

The Army as a Repository of National Values: The Army McCarthy Hearings of 1954

**A Monograph
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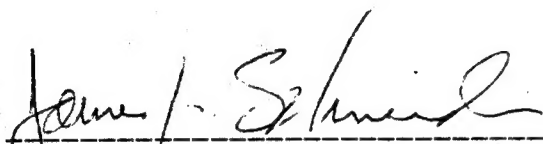
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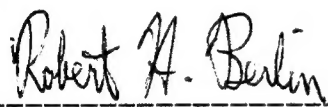
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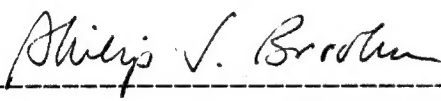
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The Officer Corps of the Army passes through a demanding hierarchy of socializing mechanisms over the duration of a career -- The Officer's Code. This hierarchy provides the individual and the institution with a stable, conservative set of values focused on the ideals found in the Declaration of Independence, the Constitution, and the Judeo-Christian moral-ethical framework. This value set not only defines the proper relationship of the officer and the institution to the state, but also creates a repository of national values that remains stable over the long term.

This repository of values can be used by the federal government in the protection of the Constitution during peacetime through a variety of processes. The case study in the monograph describes how the Eisenhower Administration used the Army to confront Senator Joseph R. McCarthy during the height of the Communist scares of the 1950's. This confrontation provided the public with a clear contrast between the innuendo and smear tactics used by McCarthy and his principal assistant, Roy Cohn, and the national values embodied in the Army.

Finally, the monograph addresses how the repository can be damaged, and the potential impact of the growing difference between societal values and Army values.

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SECTION ONE

INTRODUCTION

Overview

With the fragmentation of the Soviet Union and the subsequent emergence of an unstable, multi-polar world, the U.S. Army continues to spend enormous time and effort defining external threats. Yet, few give much thought to the significant institutional role of the Army in a peacetime society. As a corporate body, we often view our professional ethos as an implicit mechanism of internal regulation and stability which maintains the moral fiber and quality of the leadership core of the Army. In this respect, the professional ethos is focused inward. This monograph examines the Army's professional ethos in order to establish two concepts: first, that the Army's professional ethos can, given specific conditions, form a repository of national values and; second, that once formed, this repository can act as a powerful tool in the peacetime defense of the Constitution.

The Nature of the Problem

The 1993 FM 100-5 reminds us that the Army's professional ethos should both store and reflect the highest ideals of the nation.¹ While the notion of the Army as a storage vessel, or repository, of national values deals with the careful selection, education, and discipline of its leadership core, the notion of reflecting these ideals outwardly into American society and the world at large deals with much broader socio-political issues. Most of these complex issues reside far beyond the influence of the Army itself. The reflection of national values by any institution has little to do with war itself -- even an institution primarily charged with the conduct of war.

An army in peacetime, and the government that controls it must, therefore, be familiar with the social systems and conceptual linkages that constitute the selection, storage, reflection, and effect of a body of national values. The problem is that many of the mechanisms that shape the repository and define the relationship between army and state are somewhat vague. Additionally, few serving officers are familiar with the historical ways in which the repository has been used by the U.S. Government to defend the Constitution in peacetime.

Research Question

The primary research question is "What is the role of the Army, as a possible repository of national values, in peacetime Constitutional protection?"

Methodology

Initially, this monograph explores the instruments that shape the relationship between the army and the state. The officer's Oath, Code, and commission, the UCMJ, and the Constitutional responsibilities of the citizen will all be examined as possible resolution of a subordinate research question dealing with instruments for creating, filling and maintaining a repository of professional values.

National values are studied, including the possibility that the Army's professional value system and the ethical or moral trends of the nation itself may in fact drift away from each other. Any divergence is then examined to determine the impact on the notion of the Army as a repository.

This monograph then uses a case study from recent history to explore the use of the Army's professional ethos as a governmental tool of Constitutional protection. The case study shows how a political issue became a Constitutional threat, and then explore the governmental decision to use the Army as opposed to other tools of resolution. Primary resources will be used where available, and a number of good secondary sources exist on these events as well.

The analysis of the case study tries to illustrate a unique pattern of governmental use of the Army in crises that possess a threatening moral or ethical element that challenges the foundations of our Constitution. This section answers the thesis question.

In conclusion, the monograph explores briefly how this repository of values might be damaged, or its contents corrupted. Misuse by the body politic, degeneration of the officer value system, or active efforts by the Army to engage itself in a political issue might be seen as acts which tend to reduce the value of the repository.

Limitations

The external and internal factors which can influence the creation of any theory, especially sociological or political, are numerous. This paper makes no claim as to the complete treatment of even a minority of the possible factors influencing this issue. It is not a topic subject to quantification. The length of this monograph prohibits treatment in the pure clinical form, and only one historical case will be examined. Yet, despite the shortcomings in both methodology and epistemology, certain observations can still be made. Further, it is vital that we in the Army understand the full impact that our organization can make in either peace or war, with weapons or with ideas.

SECTION TWO

THE RELATIONSHIP BETWEEN ARMY AND NATION

Introduction

Carl Builder, in The Masks of War, held that the Army, first and foremost, is the nation's obedient and loyal military servant, taking

pride in being the keeper of the essential skills of war that must be infused into the citizenry when they are called upon to fight.²

Barbara Tuchman maintained that "Traditionally, the American Army has considered itself the neutral instrument of state policy. It exists to carry out the government's orders and when ordered into action does not ask 'Why?' or 'What for?'"³ Historians have often noted this unique relationship, but few have continued to follow the causal chain to a possible set of social mechanisms that make it this way. This section seeks to examine the relationship between the Army and the Nation. Two primary components will be explored: The relationship between the Army and the State, and the relationship between the Army and society.

The Army and the State

Traditionally, the relationship between the military and the three branches of government in wartime is clear and unambiguous. At the start of World War Two, Secretary of State Cordell Hull remarked to Secretary of the Army Henry Stimson : "I have washed my hands of it, and it is now in the hands of you and Knox - the Army and the Navy."⁴ His words were symbolic of the traditional civilian abdication of control upon entering into war.

During periods of peace, it is the Army that protects the nation from internal strife. Revolutions and insurgencies are put down by the Army. Coups d'état occur on land -- not in the air or on the sea. Thus, a government usually is seen to benefit from a loyal and subservient army. Conversely, any standing army represents a potential threat to civil liberty for these same reasons. During the debate to ratify the Constitution, James Madison wrote:

A standing force, therefore, is a danger, at the same time that it may be a necessary provision. On the smallest scale it has its inconveniences. On an extensive scale its consequences may be fatal. On any scale it is an object of laudable circumspection and precaution. A wise nation will combine all these considerations; and whilst it does not rashly preclude itself from any resource which

may become essential to its safety, will exert all its prudence in diminishing both the necessity and the danger of resorting to one which may be inauspicious to its liberties.⁵

While Madison's thoughts were representative and appropriate in their contemporary context, much has changed since the late 1700's. Warfare has become much more complex, arguing for standing, trained forces as opposed to complete reliance on a militia system. Our enemies no longer must fight through Madison's antecedent naval battle before threatening our national interest. The time allowed for effective military reaction has compressed, resulting in a heavier reliance on decisions of the executive branch. With all these arguments for a larger and more capable standing force, the basic safeguards of civil liberties must still be maintained. Primarily for these reasons, the nature and control of the military bears little resemblance to that envisioned in Madison's day. The mechanisms through which the Army relates to the government -- the devices through which effective control is maintained -- thus deserve explicit examination.

The assumption is that these mechanisms not only shape the relationship between Army and state, but that the process of shaping this relationship requires the endowment of a unique military ethos and value system into the leadership of the Army.

The relationship between the social, political and military bodies of our nation, and the ethos and value set required to maintain this relationship exists primarily in the Code of the Officer, the ideals of the Declaration of Independence and the explicit language of the Constitution. The purpose of this section is to briefly examine these documents, the Army officer's relationship to them, and their function as devices to ensure the quality of the values that are placed in the repository, and define the use of that repository as a conceptual tool for Constitutional defense.

The Code of the Officer

The officer's relationship to the State, the Army, and society is maintained through a hierarchy of instruments known as the 'Officer's Code.' The first level of the hierarchy includes the Officer's Commission, which states that:

. . . this Officer is to observe and follow such orders and directions . . . as may be given by me (the President), or the future President of the United States of America, or other superior officers acting in accordance with the laws of the United States of America.

This commission is to continue in force during the pleasure of the President of the United States for the time being under the provisions of those Public Laws relating to Officers . . .⁶

The wording of the original Officer's Commission is said to have come from early Anglo-Saxon history, and subsequently rewritten by Thomas Jefferson.⁷ Abraham Lincoln later rewrote the commissioning statement presumably because of loyalty problems with several more vocal Union generals during the Civil War. Although the commissioning documents used from 1775 through 1910 contain changes in the language of the preamble, the document remains almost identical to that used in 1775.⁸

Co-existing with the Officer's Commission at this level of the hierarchy is the officer's Oath of Office, which is usually administered concurrently with receipt of the commission. The oath, in part, requires the officer to " . . . solemnly swear . . . (to) support and defend the Constitution of the United States against all enemies, foreign and domestic. . . ."⁹ The Oath of Office originated during the reconstruction of the South after the Civil War. The political leadership realized that a bond must be created between the officers of the Army and the foundation of the democracy -- the Constitution -- in order to avoid future schisms that could divide the officer corps.¹⁰

At this level, the instruments are designed to establish explicitly the relationship between the individual officer and the State:

Having been specially chosen by the United States to sustain the dignity and integrity of its sovereign power, an officer is expected, for as long as he may live, to maintain himself and to exert his influence so that he will be recognized as a worthy symbol of all that is best in the national character . . . It is the fact of commission which gives special distinction to the man and in turn requires that the measure of his devotion to the service of his country be greater than other citizens.¹¹

The second level of the hierarchy provides explicit instruments that control the relationship of the officer to the Army itself. The Uniform Code of Military Justice (UCMJ) imposes restrictions upon members of the armed force beyond those which pertain to the ordinary citizen.¹² While the UCMJ resembles standard civilian code in several respects, it is also designed to ensure the good order and discipline of the military organization. In this way, it also determines the extent of the Officer's legal power over subordinates. Other strictures of behavior include "Standards of Conduct for Employees of the Executive Branch" (5 CFR 2635), and Department of Defense (DOD) Directive 5500.7R "Joint Ethics Regulation." The Code of Conduct is a third document at this level which explicitly defines the behavior appropriate for prisoners of war. The Laws of Land Warfare, embodied in both DOD Directive 5100.77 "The U.S. Law of War Program," and FM 27-10 "The Law of Land Warfare," further delimits the possible moral and ethical behavior in the context of the application of force during war.

The preceding two layers serve as the formal framework of the officer's code. They are explicit and enforceable by law. The remaining layers of the hierarchy, however, recognize that definitive rules and regulations cannot be written to cover every conceivable circumstance. The remaining levels of the hierarchy are, therefore, largely unwritten and informal, yet carry the same conceptual

weight -- the officer must continually hold the spirit of these ideals close at hand, since it is against the spirit of the ideals that the officer will be judged.

The two primary instruments at the third level of the hierarchy are the basic code of the Officer as embodied by the words 'Duty, Honor, and Country,' and the Army Ethic -- traditions of the service handed down since the earliest days of the Republic.

The Role of The Code in Filling the Vessel

These hierarchies of duty place tremendous demands upon each officer that enters the service. While there is a formal probationary period for young officers entering the service in order to acclimate themselves to the demands placed upon them, the Army is quite prompt in removing the officer who cannot internalize the strictures embodied by the formal and informal instruments contained in the officer's code. Within this corporate body, therefore, one notes that the method of ensuring the quality of the repository's contents lies in the individual's internalization of the code and his willingness to live up to it, and the institution's readiness to dismiss those who fail in this regard.

The Soldier as Citizen and the American Ideals

While much of the essence of the American Officer's Code is perhaps shared by other western officer corps, the final layer of the hierarchy is not -- it is unique to the American experience. This is the level of ideals unique to the American citizen. "To be an American," Carl J. Friedrich reminds us, "is an ideal, while to be a Frenchman is a fact."¹³ Samuel P. Huntington noted that: "American nationalism has been an idealistic nationalism, justified, not by the assertion of the American people over other peoples, but by the assertion of the superiority of American ideals over other ideals."¹⁴ Understanding this level, by necessity, leads the discussion into the seminal ideas of the American nation embodied in the Declaration of Independence and its predominate moral and ethical religious strictures.

Misunderstanding this level of the Army's ethos causes much confusion in other armies, particularly those in third world countries.¹⁵

American Ideals

The Constitution remains a document dedicated to how America would be run -- it is the foundation of our way of government. American ideals, however, reside in two other entities as well: The Declaration of Independence and the moral framework provided by the Judeo-Christian religious heritage.

The Declaration

From the Declaration, by careful analysis, we derive the nation's most basic articles of political faith. We can see that the Declaration is fundamentally about the rights of people and the responsibility of government. This differs substantially from other political doctrines based, for example, on divine right, on economic production, or on governmental power *per se*. The Declaration contains the why of America. In it is a trail of logic powerful enough to keep our nation together for over two centuries, and provide the impetus for countless other peoples to form new democracies. What follows is a paraphrasing of the second paragraph of the Declaration in the logical order:

- We hold certain propositions to be true, true everywhere and at all times, capable of winning the assent of all reasonable men. Among these, at least one is self-evident because its truth is undeniable, and the opposite of what the proposition states is unthinkable. (*Key Idea: Reason over Divine Right*)

- This self-evident proposition is that all human beings are by nature equal. None is more or less human than any other. All share or participate in the same specific nature, and so all have the same specific properties. This is not to assume that all human beings exhibit these properties to the same degree. One human may possess

these properties to a higher or lower degree than another, in which respects they may be unequal. (*Key Idea: Equality*)

- We hold it to be true but not self-evident that all men are endowed with certain inalienable rights, rights inherent in their human nature and, therefore, equally inherent in all. (*Key Idea: Human Rights*)

- The inalienability of such inherent natural rights consists in there being rights that are not conferred upon persons by man-made laws and so cannot be rendered null and void by man-made laws. They can be (and have been) transgressed by governments, and such transgression constitutes a violation of these rights.

- Among these rights are life, liberty, and the pursuit of happiness. These three rights by no means exhaust all natural or human rights, but all the others serve to implement these three principle rights. The most precise way of stating this truth is to say that our natural rights reside in our rights to life, liberty, and other antecedent conditions we need in order to pursue happiness. (*Key Idea: Rights as a Means to the Pursuit of Happiness*)

- Governments have not always been instituted to secure or safeguard our possession of these rights, but that is one of the purposes for which they should be instituted, and they are just only insofar as they carry out this aim. (*Key Idea: Governments Must Guarantee Civil Rights to Secure Human Rights*)

- Another criterion of the justice of governments is that they derive their powers from the consent of the government; in other words, the authority by which they exercise their powers has its source in a constitution voluntarily adopted by a people who have the right to govern themselves. (*Key Idea: Consent of the Governed as Evidence of Legitimacy*)

- Whenever a government ceases to operate within its constitutional limits and becomes despotic or tyrannical by treating the people as its subjects or slaves, the people are justified in trying to alter it by rectifying such injustice or, in the last resort, by overthrowing it and establishing in its place a government so constituted that it serves the objectives at which a government should aim. This drastic remedy is justified not by light and transient causes, but only by a long sequence of abuses or usurpations that manifest a settled tendency toward despotic or tyrannical rule. When that occurs, the people are not only justified in overthrowing such government, but they also have the duty to do so in order to fulfill their moral obligation to make good lives for themselves. (*Key Idea: Dissent of the Governed as Evidence of an Absence of Legitimacy*)¹⁶

These key ideas make up a portion of the core American ideal -- and consequently part of the Army's repository as well. The second part, consisting of a system of morals and ethics, is central to a functional understanding of both the Declaration and the Constitution. This is because an underlying set of moral convictions provided a much finer resolution on standards of human behavior in society, thus relieving the founding fathers of explicitly describing a detailed set of social strictures.

The Moral-Ethical Framework

Neither the Declaration nor the Constitution can be understood without an appreciation of the underlying moral-ethical framework that existed in America's Revolutionary Era. Reliance on these basic rules governing societal behavior allowed the framers of the Declaration and the Constitution to dissolve their ties with Britain in less than 1,400 words, and create a system of government with less than 5,000 words -- the framers assumed that society would be governed at a finer level of detail by the moral-ethical system that existed.¹⁷ Alex de Toqueville, the great commentator on early American society, remarked that :

From the start, politics and religion agreed, and they have not since ceased to do so . . . each [religious] sect worships God in its own fashion, but all preach the same morality . . . I do not doubt for an instant that the great severity of mores which one notices in the United States has its primary origin in beliefs . . . no one in the United States has dared to profess the maxim that everything is allowed in the interests of society . . . Thus, while the law allows the American people to do everything, there are things which religion prevents them from imagining and forbids them to dare. For the Americans the ideas of Christianity and liberty are so completely mingled that it is almost impossible to get them to conceive of the one without the other.¹⁸

Democracy in America, written in the 1830's, can perhaps be criticized as being somewhat dated and, therefore, inconsequential to today's society. Modern sociologists, however, are quick to point out the dangers inherent in rejecting an absolute moral framework. Walter Lippman expressed " . . . grave doubts as to the ability of unguided popular democracy to conduct public affairs," and posited the continuing need for an absolute moral code.¹⁹ Samuel Huntington observed that the emerging revival of an absolute moral code in society might well "result in the wide-spread acceptance by Americans of values more like those of the military ethic."²⁰

In essence, the morality of the American ideal is absolutist and focused on the Judeo-Christian framework, as opposed to relativistic. Consequently, an absolute moral framework is an essential ingredient of the Army's repository:

If all that matters is what one's group believes at any one time, then all that matters in ethics instruction is cultural relativism. Every group determines its own standards of honor and of shame. But we are then powerless to assess Adolf Hitler's Germany or a street gang's thuggery. If no universal standards exist for right and wrong, might does make right; there is no profane, for there is no sacred; there are no villains, for there are no heroes; and as there

is nothing worth dying for, neither is there anything worth living for.²¹

Interestingly, the most recent evidence of the military's absolute moral framework came during the Gulf War. Journalists were astonished to discover that " . . . this is a mainly God-fearing, patriotic, family-centered Army." Journalist William V. Kennedy noted that the traditional military-media antagonism is a reflection of a "much deeper division between the values of the American public and the values of an alienated media elite."²²

Thus, the Declaration of Independence, and the Judeo-Christian framework of ethics are inseparable in determining both the American ideals, and the quality of the Army's repository of values.

The Constitution

While the Declaration contains the basic ideals and articles of faith, the Constitution sets forth the system through which we pursue those ideals. The Constitution, together with the articles that follow the Preamble and their subsequent amendments, illuminate how the basic articles of political faith are translated into the aims, structures and policies of government.

The aims of the government are best expressed in the Preamble of the Constitution, and corresponds with the ideals set forth in the Declaration. The general aims of the Constitution are to ". . . form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Close inspection of these aims reveal that they are not only interdependent, but can also come into conflict with one another. Indeed, the Constitution's legal history is filled with struggles between these elements.²³ For example, provisions for the common defense during World War Two, eroded the provisions of liberty and justice in the case of Japanese-Americans.

The structures and policies of government set out in the Constitution revolve around the separation of powers.

That is, the national government has three distinct branches, each with its own separate powers and responsibilities. Each branch helps to keep the other two from doing unwise or unjust things. The legislative branch, which is further divided into two houses, is given the sole power to make laws. The Constitution also explains what laws can be made for the nation, how they are to be made, and how they are to be enforced. The executive branch is charged with carrying out the laws. The judicial branch explains the meanings of laws and tries cases related to Constitutional law. A further division of powers exists between the federal government and state governments. This pervasive doctrine of separation of powers extends to the military as well.

The Constitution grants power to the Congress to declare war and to establish rules for capturing the property of enemy countries or of neutral countries which help the enemy. Congress retains the power to raise, support, and regulate both an army and a navy; and to maintain and employ a militia. Finally, the Congress is authorized to purchase and control whatever property the national government needs to carry out its functions of defense. To effectively balance the Congressional jurisdiction over the armed forces, the Constitution makes the President the commander in chief of the armed forces and the militia, when called into federal service. Additionally, the President handles the day-to-day running of the military through secretariat appointees who are confirmed by the Senate.

The structure of the separation of powers is designed to prevent tyranny -- the seizure of power by any single group or individual. In essence, this structure also guarantees stability. The Constitution's strength lies in the natural ability of the three branches of government to regulate each other. It requires no outside help to perform this function.

Finally, the entire system of the republic is based upon the concept of the citizen as the ruling class. Officeholders, from the President on down, ". . . are transient and instrumental rulers, unlike citizens in general who are the permanent and principal rulers."²⁴ Moreover, while the concept of the officeholder is transient, the citizen is a citizen for life.

This birthright extends to all U.S. citizens, including those in the military. This notion of common citizenship is one of the primary forces that bind the U.S. military and society together.

Conclusions on the Army and the State

The Officer's Code contains a hierarchy of instruments that serve, first, to define the officer's relationship to the state. Secondly, explicit instruments establish standards of behavior that, while they go far beyond societal norms, are necessary for effective operation of the military instrument. Finally, at the inner core of the ethos are the American ideals such as those embodied in the Declaration and the Judeo-Christian moral framework.

The entire structure serves to form a collective ethos that makes the officer corps unique among American institutions. Yet, this somewhat elaborate and lengthy process of acclimation serves but one purpose -- to ensure the proper relationship of the Army to the constituted government. Once national policy has been decided by the civil leaders of our national government, the officer must support it with all their skill and determination, never divulging that they have doubts -- or that they have ever had doubts -- as to its wisdom. This, in fact, is identified as a 'point of singular importance,' and the keystone of the code of the Army officer.²⁵

The Relationship of the Army to Society

Many people hold that an army is a reflection of the society it stems from.²⁶ Certainly, this is true to a degree. But, in examining the relationship between the U.S. Army and society, the essential question that must be answered concerns the degree of reflection, and where change occurs upon entry into the corporation. The Army is continually bringing in new soldiers and officers. Who changes the most -- the individual or the Army? As discussed above, it is the individual who changes more than the institution, largely as a function of the indoctrination of its members to the corporate standards of behavior. This phenomenon has long been recognized and approved by sociologists:

However much we may wish to agree . . . that military professionalism flourished in this country partly as a result of the alienation of the military from civilian society, we cannot extend that alienation totally to our moral values. Indeed, there seems to be a special sense in which society as a whole looks to the military profession as a final reservoir of its most precious human values²⁷

It must be this way, for to change the institution to suit the needs of each new individual member would result in chaos.

Additionally, we note that the process of induction has always included at least two explicit processes: screening and socialization. The screening process is intended to eliminate the morally, physically, or intellectually unfit from service. The socialization process seeks to imbue the inductee with the proper standards of conduct. In a volunteer Army, another process must be added -- that of individual choice in joining the institution.

In this phenomenon of induction, we see the mechanism by which any army can retain a relatively stable and conservative set of values over a long period, even while society undergoes a whipping effect of ethical fads, and periods of moral erosion and rebuilding. In effect, it is this phenomenon that gives credence to the Army as a vessel containing a relatively stable collection of moral values central to the national character.

Comparison of Societal vs. Army Ideals

Ideals are ". . . objectives or goals to be sought, striven for, and realized by action . . . on the part of organized societies."²⁸ If a value system exists to guide action toward the ideal, then the opposite must also be true -- that a deterioration of the value system is reflected by action as well. In a society with a viable value system, the trend in behavior should be positive over the long term -- drawing gradually closer to the ideal. This section will examine available statistics for both the Army and society as a whole to determine whether or not a divergence in behavior exists.

Society

During a thirty-year period, from 1960 to 1990, the nation has suffered a 500 percent increase in violent crime, more than a 400 percent increase in illegitimate births, and a quadrupling of the divorce rate.^{29,30} Some may be inclined to argue that these statistics indicate an ever-increasing problem isolated in large urban areas. The FBI, however, reported that crime in cities over 1 million had declined by 6 percent between 1991 and 1992, while crime in smaller rural communities increased by four percent during the same period.³¹ Others may argue that the nation-wide increase in crime is a transient event, with indications that the phenomenon will correct itself over time. A closer examination of juvenile crime statistics, however, indicate a chronic societal condition that continues to degenerate.

Consider crime in schools. In 1940, an ongoing teacher survey listed the top problems in American schools as talking out of turn, chewing gum, making noise, running in halls, cutting in line, dress code infractions, and littering. In 1990, the same survey identified drug and alcohol abuse, pregnancy, suicide, rape, robbery and assault as the major problems.³² On any school day in 1993, an average of 6,250 teachers are threatened with injury by students, and 260 are actually assaulted. Each day in 1993, more than 100,000 students carry a gun to class, and thirteen percent of all incidents involving guns occur below the seventh grade level.³³

Over the last thirty years, many feel that this nation has experienced a substantial cultural regression:

This palpable cultural decline is the manifestation of a marked shift in the public's beliefs, attitudes, and priorities. . . . Our society now places less value than before on what we owe others as a matter of moral obligation; less value on sacrifice as a moral good; less value on social conformity, respectability, and observing the rules; and less value on correctness and restraint in matters of physical pleasure . . . Higher value is now

placed on things like self-expression, individualism, self-realization, and personal choice.³⁴

As a free, democratic society, the ultimate responsibility rests with the people themselves. In the statistics above, one can detect a clear indication that society's behavior continues to change for the worse. In early 1993, Aleksandr Solzhenitsyn remarked that the West ". . . has been undergoing an erosion and obscuring of high moral and ethical ideals. The spiritual axis of life has grown dim."³⁵ Based on this brief glimpse at the hard statistics of social behavior, and the conclusions some have drawn on the status of the underlying moral and ethical foundations, we might conclude that the Army, as a reflection of society, must also be experiencing an increase in immoral behavior.

The Army

As noted above, the Army maintains a deliberate process of induction and socialization, and it does so for good reason. Like any large organization, the Army:

. . . often displays more liars and cheaters than it can afford. But many statesmen have observed that the distribution of good and bad in the Army is balanced in a way unlike most walks of life - in favor of men and women of moral stature. Why? Probably, because, in a service that so much involves issues of life and death, everyone is more sensitive to the person who might be looking out only for himself in times of danger.³⁶

For the officer corps in particular, the Army has long been recognized as ". . . not a luxurious life, but . . . a profoundly satisfying mixture of wholesomeness, stability, and propriety."³⁷ General Sir John W. Hackett, a distinguished commentator on military affairs and leadership over the last forty years, maintained that not only was the service ". . . good company. Anyone can spend his life in it with satisfaction,"³⁸ but that military institutions ". . . form a repository of moral resource that should always be a source of strength within the

state. . . The highest service of the military to the state may well lie in the moral sphere."³⁹

For the Army in general, behavior can perhaps be gauged by the rates of disciplinary cases. Over the last decade, Absent Without Leave (AWOL) cases per 1,000 active duty soldiers has dropped from more than 40 to approximately five; Courts martial from 12 to less than four; Article 15's from 200 to under 70; and marijuana use from 25 to less than one.⁴⁰ The statistics indicate, at least tentatively, that while societal behavior continues to degrade, Army behavior has apparently improved significantly in the last decade and a half. Assuming a link between behavioral statistics and the underlying ideals of both society and the Army, a case can be made that the two may be drawing farther apart.

Conclusions on the Army and Society

In 1980 George Will wrote that "Never before in this nation's experience have the values and expectations in society been more at variance with the values and expectations that are indispensable to a military establishment."⁴¹ From this comparison, one might conclude, again tentatively, that the Army is not a true reflection of society, per se. Instead, it represents an alternative form of American culture that can display trends opposite that of society as a whole. It is a culture created and maintained by the socialization mechanisms and disciplinary tools established by the Army itself.

Within the last three years, media attention has focused on the Army as a result of Operations Just Cause and Desert Storm. What the media found inside the military surprised most journalists and delighted much of the public. As an example, Newsweek reported that

. . . higher standards of scholarship were reflected in a study of 163 new brigadier generals The officers had IQ's in the 92nd percentile of the population, a ranking above that of corporate executives with comparable responsibilities.

A follow up on colonels and lieutenant colonels found that 80% had advance university degrees, in contrast to only 20% of executives.⁴²

These statistics paint the picture of a military respected and cherished by the public -- in fact, public opinion polls for the last thirty years have shown the military to be among the most respected institutions in society.⁴³

Table 1 - Percent of Public Expressing "A Great Deal" or "Quite a lot" of Confidence in the Institution

	<u>Military</u>	<u>Churches</u>	<u>Sup. Crt.</u>	<u>Banks</u>	<u>Television</u>	<u>Congress</u>
1981	50	64	46	46	25	29
1990	68	56	47	36	25	24
1991	88	58	51	30	30	33

Conclusions on the Army and the Nation

To this point, the monograph has concentrated mostly on the nature of the Army as a repository of values -- what it contains, how it is filled, and how its contents are kept pure. The key to understanding the use of this vessel of national values as a tool of peacetime Constitutional protection centers upon how this repository is viewed by society at large. In examining this issue, Malham Wakin proposed two different 'lenses' through which society views the Army. The first is a lens of practical necessity, by which the public perceives ". . . the military function as necessarily involving moral integrity in such a crucial fashion that any hint of dishonesty in the services must become a matter of paramount concern."⁴⁴

Alternatively, and perhaps more important to this discussion, is the notion that ". . . our military leadership represents the heroic for all of us and we must sustain the moral qualities of this heroic image or perhaps accept the depressing conclusion that it exists nowhere."⁴⁵

Additionally, the statistics indicate that societal values continue to diverge from core Army values over time. While the Army

obviously springs from the parent society, the notion emerges that the Army passes its leadership through increasingly demanding hierarchies of ethical conduct. This process causes the young officer to reject a variety of previously acceptable societal values and, in their place, adopt the Officer's Code. The temporal stability of the Code, and its underlying value system, tend to preserve and insulate the Army's corporate values over the long term. The central idea is that this preservative and insular quality of the officer's code not only forms the vessel, but fills it, and performs quality control as well. A closely associated idea is that the Officer's Code virtually assures that the Army's values remain divergent from society at large. This is not to imply inherent moral superiority, *per se*, since the Army can damage this vessel and corrupt its contents virtually on its own.

Stable moral and ethical strictures of behavior that isolate and retain a value system, coupled with a heightened understanding and overriding concern for the viability of the American Constitution, leaves one with an almost messianic impression of the role of the American Army Officer Corps in society.

The proper combination of a carefully-maintained repository of national values, and a positive lens through which society views this repository, provides the Federal government with a very powerful tool to use towards the protection of the Constitution in peacetime, and against domestic enemies. How this has been accomplished in the past is the subject of the case study in Section Three.

SECTION THREE

THE ARMY - McCARTHY HEARINGS OF 1954

Introduction

On the 9th of February, 1950, the junior senator from Wisconsin, Joseph Raymond McCarthy, arrived in West Virginia to

deliver a routine speech to the Ohio County Republican Woman's Club meeting. In his pocket were the drafts of two speeches -- one concerned housing and the other concerned Communists in Government. With some prodding from the local GOP leadership, McCarthy decided to give the speech on Communists.⁴⁶ Until this point, McCarthy "...had never shown any particular distaste for Communism." Most believed that he had been hunting blindly for an issue.⁴⁷

That speech contained nothing really new, but it was the way the data was rearranged that caused the initial controversy. It referenced a four-year old letter from the Secretary of State describing the post-war background screening process for new employees. Of the 3,000 already screened, 285 were recommended for dismissal. Of those 285 employees, 79 had been separated thus far. The Secretary's original letter had mentioned neither specific shortcomings or names. To McCarthy, however, this arithmetic led to the specious conclusion that there remained 206 communists in the State Department.⁴⁸ McCarthy's speech text read:

I have here in my hand a list of 205 -- a list of names that were made known to the Secretary of State as being members of the Communist party and who nevertheless are still working and shaping policy in the state department.⁴⁹

No one in the press bothered to ask the pertinent questions that could have, perhaps, stopped McCarthy then and there. The fourth estate allowed McCarthy to make an unsubstantiated leap over the chasm dividing fact from speculation. From that moment on, McCarthy became a floating press conference.⁵⁰ The reverberations shook the earth, and immediately began to erode a host of Constitutional safeguards.

Development

Over the next four years, McCarthy successfully attacked a series of institutions throughout society. His first victim was the

State Department, and his attack eventually broadened to include distinguished university professors. Each outrageous statement resulted in one headline -- two outrageous statements made two headlines. The size of the headline type was directly in proportion to the fame of the intended victim.⁵¹ In June 1951, McCarthy charged George Catlett Marshall, the former Secretary of State, with high treason -- being part of a ". . . conspiracy . . . so immense, an infamy so black, as to dwarf any . . . in the history of man" ⁵² Armed with a firehose of rhetoric unchecked by public opinion or press, McCarthy ". . . sprayed charges in every direction: against the White House, the State Department, even his fellow members in the legislative branch."⁵³

Throughout this period, McCarthy's reckless campaign against communism won him broad public support. As this support grew, his potential targets -- innocent or not -- became more fearful. By now, all McCarthy had to do was mention the possibility of an investigation to invoke unbridled panic among his opponents. To his targets, McCarthy's attacks were growing deadly serious, but for McCarthy himself, the hunt for Communists remained merely ". . . a device, a game."⁵⁴

In January 1953, McCarthy hired 26 year old Roy Cohn as Chief Counsel for the Senate Investigations Subcommittee. Cohn had won fame the previous year by assisting in the federal prosecution of Julius and Ethel Rosenberg, the 'Atom Spies'.⁵⁵ The tremendous random power of smear wielded by McCarthy now became focused through the ambition of an unprincipled and viscous assistant. By the spring of 1953, it ". . . seemed to a few that Joe and Roy and their friends were on their way to taking over the world."⁵⁶

By the summer of 1953, however, the headline-grabbing issue that McCarthy had 'blindly' stumbled upon in a speech in West Virginia was running out of steam. McCarthy and Cohn had encountered two serious problems. First, Congressional committees had ". . . been at work exposing reds since 1946 and there weren't any big sensations left."⁵⁷ The second problem was exacerbated by the first -- the chances that any remaining red was actually a paid FBI informer were growing:

. . . the Communist Party USA was close to moribund. Starting with the Nazi-Soviet Pact of 1939, events had not been kind to the party. Factionalizations, purges, the Smith Act trials, deaths, and defections had left its rolls decimated. By all the best estimates, under five thousand members remained, some fifteen hundred of whom were FBI informants.⁵⁸

Not only was one out of every three or four reds actually an FBI informer but, because the informers paid their dues on time and seemed to remain true to the cause, they actually began to gravitate towards the leadership ranks of the Communist Party USA, at least at the local level. We note a increasing number of Committee hearings, prior to the McCarthy - Army debacle, that were stopped in mid-stride when Hoover discretely pointed out that Cohn had FBI informants on the target list.⁵⁹ Hoover perhaps realized that the exposure of FBI informants would not only endanger their lives, but would publicly raise the embarrassing possibility that the Communist Party USA was being kept financially afloat by the very people assigned to eliminate it.

Smaller problems that had remained in the background now began to come to the fore. First, Cohn had persuaded McCarthy to hire a personal friend named G. David Schine, a wealthy Harvard graduate with no experience in matters either legal or political, as an assistant investigator for the Committee. Second, the dwindling quantity of continental communists forced Cohn and McCarthy to look elsewhere to keep the headlines coming. In their effort to open new markets, Cohn took Schine on an 18 day European junket to investigate communist influence in the U.S. High Commission for Germany.⁶⁰ They stayed at the best hotels, engaged in extravagant purchases, and held a series of press conferences that soon became the laughing stock of every European news agency. For the average European, however, McCarthyism was far from entertaining. Many Europeans made comparisons between McCarthy and Hitler, fearing that America was moving into an era of isolationist fascism.⁶¹

McCarthy had supported Eisenhower in the 1952 presidential election, but their honeymoon was short-lived, primarily because of Eisenhower's continuing support of his old benefactor, Marshall. In fact, McCarthy had actually gone so far as to publish a book in 1951 entitled America's Retreat From Victory: The Story of George Catlett Marshall.⁶² Now McCarthy began directly attacking the fringes of the Eisenhower administration. During the summer of 1953, McCarthy attacked the CIA, the United Nations, the Government Printing Office, and the Atomic Energy Commission, in turn.⁶³ McCarthy's increasing efforts, however, continued to produce smaller results in the press.⁶⁴

Shortly after the attacks on the Atomic Energy Commission, two unconnected events occurred that would combine to eventually destroy McCarthy. First, in July, the Selective Service classified David Schine as A-1, making him eligible for the draft.⁶⁵ Next, McCarthy believed he had found a mother lode of communism rich enough to sustain his headlines for years -- the U.S. Army.⁶⁶

McCarthy had located three low-level civilian employees of the Army who had admitted their communist ties. By starting with these three low-level employees, McCarthy hoped to implicate every level of the chain of command -- conceivably up to the Secretary of Defense himself. Additionally, McCarthy's campaign could be extended include past administrations as well. Obviously, this could be played out in the press with great drama and suspense as successively higher superiors would be brought before the committee and subjected to the McCarthy-Cohn brand of interrogation.⁶⁷ The scenario was tailor-made for McCarthy and Cohn, and would, in effect, guarantee their continued political success for at least another term. With his sure nose for political strategy, McCarthy became incensed when Eisenhower publicly pronounced that ". . . he hoped the internal subversion problem would have been dealt with so effectively that it would no longer be an issue in the 1954 elections."⁶⁸

Five days after going public with the story, McCarthy hit a wall that threatened to completely derail the long-term political strategy he had mapped out. An Executive Order, signed by President

Truman in 1952, was still in effect, and flatly prevented McCarthy from continuing up the 'mother lode':

No information shall be supplied as to any specific intermediate steps, proceedings, transcripts of hearings or actions taken in processing an individual under loyalty or security programs.⁶⁹

McCarthy was livid. He had started with the immediate chief of one of the employees, but now had to jump the entire chain of command to try to dislodge the Executive Order -- thus severely shortening the planned length of the campaign. On September 3rd, McCarthy called Joseph W. Bishop, counselor for the Secretary of the Army. Bishop held the Executive Order up as a shield, causing McCarthy to try the Secretary of the Army himself on September 4th.⁷⁰ While McCarthy butted his head against an immovable executive branch wall, his subordinates were inadvertently constructing the guillotine that would eventually destroy him.

Immediately after David Schine's selective service classification, McCarthy and Cohn began making requests to gain the young assistant a direct commission. In August 1953, the Army determined that Schine lacked the qualifications requisite for commission, and Cohn began making a long series of phone calls to the Army's leadership on Schine's behalf. With each call, Cohn became more abusive, threatening to bring the full fury of the Subcommittee down upon the Army if Schine could not be given preferential treatment. McCarthy initially assisted in this effort, but seemed to wash his hands of it by October. Cohn, however, continued to escalate the level of his threats -- he would "wreck the Army . . . cause the Secretary to be relieved" -- without realizing that his calls were being recorded and transcribed, and a detailed description of his efforts on behalf of Schine documented (Appendix A is a sample of a monitored phone call).⁷¹ By the spring of 1954, the Army had amassed a detailed chronology of Cohn's attempts to gain preferential treatment for his friend.

Up to this point, McCarthy had attacked a host of Federal entities with a passion and ruthlessness that had uniformly astonished and frightened Committee witnesses. Anyone invoking the fifth amendment was loudly branded a Fifth-Amendment Communist.⁷² Those who attempted to avoid direct confrontation found neutrality no barrier. Those who openly fought McCarthy ". . . lived to mourn over their own political corpses."⁷³ In fact, two McCarthy - Cohn victims committed suicide after being subjected to a subcommittee hearing.⁷⁴

The anti-communist issue maintained an eighty percent public approval in the polls.⁷⁵ Both the FBI and CIA had similar secret files on McCarthy -- not only describing him as a corrupt judge, and phony war hero, but also identifying him as an alcoholic and pedophile -- and thus possessed the potential to destroy McCarthy. Hoover, perhaps, found McCarthy too useful for his own agenda, and Allen Dulles refused to use the information, even while the CIA was under attack.⁷⁶ When the fight was finally joined, therefore, it was not the State Department, nor the Supreme Court, nor the FBI, nor the CIA, nor the UN who finally silenced McCarthy. It was the peacetime Army, equipped with transcripts, memoranda, and records of conversations.

Resolution

There is evidence to suggest that, by early March, President Eisenhower and his advisors had crafted a counterattack campaign centered around McCarthy's efforts to gain preferential treatment for Schine.⁷⁷ Certainly, the timing of a series of leaks concerning the transcripts left McCarthy only the opportunity to be reactive, and bore signs of intelligent 'handling'.⁷⁸

Intelligently handled or not, the Eisenhower administration instructed Army Counsel John Adams to prepare a paper citing the place, date and the character of every intervention on Pvt. Schine's behalf by Cohn, or McCarthy.⁷⁹ Officially known as the 'Chronology of Events', the paper was dubbed the 'Atomic Weapon' by the Defense leadership, and it quickly became the least-kept secret in Washington (See Appendix B).

On March 10, the *Chronology* was completed, and a copy provided to Senator Charles Potter, a Republican member of McCarthy's subcommittee.⁸⁰ By late that afternoon, every reporter in Washington knew about the *Chronology*.

That evening, the Senate leadership privately confronted McCarthy with a simple choice - 'sacrifice Cohn and Schine and we let this thing blow over, otherwise it's a disaster.'⁸¹ Instead of taking the deal, McCarthy let Cohn talk him into a scheme that would compound the disaster. The next day, McCarthy huddled his staff to put Cohn's plan into effect.

Thus began a round-the-clock effort to fabricate eleven back-dated, unsigned interoffice memos that would function as the only defense against the *Chronology* - ". . . anyone who knew McCarthy at all knew that he would never have written -- or read -- the sort of memos that the group came up with." (See Appendix C)⁸² Because of McCarthy's irrational refusal to part company with his chief counsel, rumors began to fly suggesting something far beyond the normal employer-employee relationship between McCarthy, Cohn and Schine.⁸³

Public reaction to the March 12 publication of the *Chronology* was "immediate, continuing and bad."⁸⁴ The *Chronology* served as a signal for a nation-wide counterattack on McCarthy. Long silent members of Congress, religious leaders, media, and intelligencia suddenly joined in producing a substantial wave of public backlash. Neither McCarthy nor Cohn realized the extent of the pent-up hatred that silently waited for the opportunity to strike -- they ". . . had gone out in the world and done things to men, non-Communist, noncriminal men, which would never be forgiven."⁸⁵ Edward R. Murrow attacked McCarthy on CBS's *See it Now* weekly commentary. Senator Ralph Flanders let loose with an " . . . unrestrained attack from the floor of the Senate."⁸⁶ The Episcopal deans of the cathedrals in New York and Washington called McCarthyism a "new tyranny."⁸⁷ As the attacks against him grew stronger and his public support began to plummet, McCarthy " . . . increasingly expanded the ranks of what he saw as the Communist-inspired conspiracy at work to destroy him."⁸⁸

On April 14, Adams gave the subcommittee its formal charges against McCarthy and his key aids. Although the document was supposed to remain confidential until McCarthy filed his counter-charges (crafted from the eleven memos), it was instead leaked to reporters that evening. The charges filed on April 14th were the preamble to the televised Army-McCarthy hearings, which began on April 22nd. A Gallup Poll taken the day before showed that McCarthy's support had fallen off drastically in the forty days since the release of the *Chronology*. Forty-six percent of the public now sided with the Army, and 23 percent with McCarthy.⁸⁹

The Hearings

The main portion of the televised hearings revolved around the attack -- embodied by the *Chronology*, and the defense -- embodied by the eleven forged inter-office memos. The Army was represented by special counsel Joseph Welch, an experienced trial lawyer from Boston. Cohn and McCarthy managed their own defense. While the hearings touched on a wide variety of subjects, three central points emerged and were noted by most viewers: McCarthy's 'doctoring' of a photo, Hoover's abandonment of McCarthy, and the personal demeanor of both McCarthy and Cohn.

At one point, McCarthy and his staff presented a cropped publicity photo of Secretary of the Army Stevens and Private Schine as proof that no ill will existed between the two. By the next day, Welch had located the original photo and enlarged it. The photo showed Stevens, Schine, a COL Bradley and a fourth man. Clearly, explained Welch, the photo shown by McCarthy had been altered in order to show Stevens and Schine in a pleasant private moment. Welch then demanded to know why McCarthy had altered the photo.⁹⁰

Had this been a proper court, the issue of the photo may not have had a great impact on the outcome. But Welch realized that McCarthy and Cohn had become used to sloppiness and innuendo, and Welch's line of questioning made them squirm in front of the cameras.

The FBI Director had routinely (and improperly) supplied McCarthy with classified files concerning Communist activities. At one point in the hearings, McCarthy reached into his briefcase and held up a purported letter from Hoover criticizing the Army for its handling of Communist investigations. According to McCarthy, the original Army charges were simply a dishonest tactic to conceal communists in the Army.⁹¹

The next day, Welch asked for the FBI Director to personally verify that he had written the letter in McCarthy's possession. Hoover, perhaps predictably, sided with the Army and denied having written the letter held aloft by McCarthy. Recall that, since the 1950 speech in West Virginia, McCarthy had often held aloft 'letters' reportedly showing a wide variety of Communist activities. It was, in fact, his primary tactic -- the bedrock upon which all his efforts were built. After Hoover's denial, Welch went for the jugular:

Welch : ". . . this document that I hold in my hand is a carbon copy of precisely nothing . . . a perfect phony. . . . Senator McCarthy, when you took the stand of course you understood you were going to be asked about this letter . . . the source from which you got it? . . . The oath included a promise, a solemn promise to tell the truth, the whole truth, and nothing but the truth. Is that correct sir?"

McCarthy : "Mr. Welch, you are not the first individual that tried to get me to betray the confidence and give out the names of my informants. You will be no more successful than those who have tried in the past."

Welch : "I am only asking you, sir, did you realize when you took the oath that you were making a solemn promise to tell the whole truth to this committee?"

McCarthy : "I understand the oath, Mr. Welch"

Welch : "And when you took it, did you have some mental reservation, some fifth or sixth amendment notion that you could measure what you would tell?"

McCarthy : "I don't take the fifth or sixth amendment."

Welch : "Have you some private reservation, when you take the oath, that you will tell the whole truth, that lets you be the judge of what you will testify to?"

McCarthy : "The answer is there is no reservation about telling the whole truth."

Welch : "Thank you, sir. Then tell us who delivered the document to you."

McCarthy : "The answer is no. You will not get that information."⁹²

In the blink of an eye, and in front of a nation-wide television audience, Welch had cast the most severest of doubts upon McCarthy's sources of intelligence, exposed a telling lack of integrity, and forced McCarthy to 'take the Fifth,' just like all those 'Fifth Amendment Communists' that McCarthy had been railing against for years. Welch's line of questioning revealed McCarthy ". . . to a national audience as a cheap clown . . . This [McCarthy] cannot stand. His judgment goes out the window and he is ready to gamble. . . . "⁹³

Finally, there was the image of McCarthy and Cohn themselves. Because of the complexity of many of the legal points, most Americans judged the hearings primarily on impressions or images they formed about the major participants. Welch came across with "folksy charm and wit." McCarthy's sarcasm and malice contrasted sharply with Secretary Steven's sincerity. ⁹⁴ McCarthy seemed to shout out "Point of order, Mr. Chairman" every half minute or so. As McCarthy died in the polls, the phrase 'Point of Order' became a national joke.⁹⁵ As far as Cohn's image was concerned, Senator Potter later wrote that

Here suddenly, sitting in the witness chair, was the Boy Crusader. . . the most slippery witness I had ever seen. He had a series of stock answers:

"I don't recall the exact words I used."

"I am pretty close to denying it."

"I haven't the remotest idea of everything I said."

"I don't remember using those words."

"The best I can give you, if you press me, would be a guess."

"I can't give you a categorical yes or no."

"I have no recollection."

The other Roy Cohn, so well known for his arrogance and brutal treatment of people without defenses, was sitting there too. . . He was firm in his belief that he and McCarthy were above the law . . . ignor[ing] the framework of our society. "96

Every time Cohn spoke, "a flurry of weasel words" seemed to come out.⁹⁷ Each time he advised McCarthy, they would cover the microphones and whisper. This almost continuous whispering was a side feature of the hearings.⁹⁸ Of course, little of this skullduggery and 'weasel language' made a positive impact on the American public. After the first week of the hearings, McCarthy's Gallup Poll support dropped to 17 percent.⁹⁹

The Result

The Eisenhower strategy was designed to produce "impotent isolation." ¹⁰⁰ As a result of the hearings, McCarthy's career was irrevocably damaged both politically and publicly. On December 2, the United States Senate voted -- in the third such action in its entire history -- to condemn McCarthy for "conduct contrary to Senatorial traditions."¹⁰¹ More importantly, however, McCarthy's public image was damaged beyond repair:

. . . Eisenhower won because [the Army's Leadership] became convincing symbols of simple human decency. By the time the hearings ended, the American people had indelibly in their consciousness the stark distinction between [the Army] . . . and the barracudas ranged against them, from McCarthy and Cohn to the back room boys with their cropped photos and their memos of questionable authenticity.

And Eisenhower won, above all, because he constantly held up before his fellow countrymen a standard to which - in the words of his great hero, George Washington - wise and good men, weary of niggling negative controversy, could repair: a standard of abstract principles of freedom of the mind, fidelity to the Constitution, fair play, honesty (and) magnanimity. . .¹⁰²

The medium of television was no doubt responsible for the widespread disfavor engulfing McCarthy and Cohn. Their mannerisms and tactics had succeeded in shocking and disgusting most Americans.¹⁰³ In effect, two images were held up for the American people to compare and contrast: McCarthy--Cohn, and the Army. In the end, the American people chose the Army, and diverted a looming Constitutional crisis.

Although remaining in office for the remainder of his Senate term, Joe McCarthy never again wielded even a fraction of the power he possessed before the hearings. His alcoholism grew more severe as the next few years passed, and he died of liver failure in 1957.¹⁰⁴ Cohn left the sub-committee immediately after the hearings ended, but remained a controversial figure. He was eventually disbarred and died of AIDS in 1986.¹⁰⁵

The Nature of the Constitutional Threat

In the case of McCarthy, the constitutional threat was two-fold. First, his techniques of conducting subcommittee hearings continually violated fifth amendment rights of witnesses. Second, his desire to attack the Executive Order banning release of information concerning the reliability process threatened the long-established separation of powers.

The Fifth Amendment

The Fifth Amendment has a number of provisions which are relatively commonplace throughout Western civilization. It is the source of our constitutional rule that serious criminal charges must be made by an indictment of a grand jury.

It provides that no person shall be twice placed in jeopardy for the same offense, that no person be deprived of life, liberty, or property without due process of law. Finally, the Fifth Amendment guarantees that no person shall be compelled in any criminal case to be a witness against himself.¹⁰⁶

Historians are in general agreement that this last privilege dates back to the Holy Inquisition, when a separation of powers debate between the church and state resulted in the abolition of torture. The bishops sought to examine people about a wide variety of alleged offenses -- not only requiring suspected persons to give evidence against themselves, but applying torture until they actually did so. By the 16th century, formal legal practices had advanced to the point where the average European state could begin to limit the church to the administration of purely ecclesiastical matters -- much to the relief of the citizenry.¹⁰⁷ Like many other elements of the Constitution, this privilege was extant in the original colonies, inherited from our Anglo-Saxon heritage.

McCarthy's activities violated nearly every clause of the Fifth Amendment. First, McCarthy had no right to hold investigations, of any sort, on his own without mandate by the full Senate -- which had not been granted. Second, the McCarthy investigations, while wrapped in the formality of Senate hearing rooms, failed to meet the requirements of procedure found in the smallest of county courts -- the right to subpoena, the right to face the accuser, the standards of evidence, the right of legal counsel, and the right to a closed hearing. Finally, McCarthy's technique was to confront a suspect with hearsay or second-hand testimony and then demand self-incrimination.¹⁰⁸

Curiously, neither the Senate nor the Supreme Court ventured to stop McCarthy, although it was clearly in the Nation's best interest to do so. Sheer political survival can perhaps account for the Senate's failure to act. In the case of the Supreme Court, however, there seemed a natural reluctance ". . . on the part of the federal judiciary to interfere with the mere details of the conduct of business by a separate and independent branch of the federal government."¹⁰⁹

The Separation of Powers

As a safeguard against the possibilities of tyrannical rule, the Constitution set up three institutionally distinct and theoretically equal organs of central government: legislative, executive, and judicial. In theory, the principle of separation of powers means that the powers of government are divided among the three branches. As James Madison noted in *The Federalist*, No. 47,

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced as the very definition of tyranny.¹¹⁰

McCarthy's attacks against the Executive Order banning release of information about 'loyalty board' hearings threatened the Constitutional doctrine of the separation of powers. Additionally, powers of legislative investigation are further divided between House and Senate. The House has the responsibility to watch the actions of government officials, and power to accuse them if they are dishonest, or disloyal to their country. The Senate then serves as an impartial court to decide the charges brought by the House.¹¹¹ McCarthy sought to accuse, try and punish government officials in the context of one Senate Subcommittee.

Regardless of the particular motives, one branch of the government could not be allowed to force their policies upon the other, unless by force of law or Constitutional amendment. The original policy behind Truman's executive order was sound and unexceptional: to preserve the security process and the objectivity of its participants; to protect accused innocents from a public dumping and airing of accusations against them.¹¹²

In the end, however, we must recognize that the very nature of the Constitution made the McCarthy era possible. Other legislators were perhaps fearful of attacking McCarthy with the public opinion polls so heavy in his favor.

The Constitutional separation of powers not only made the Supreme Court reluctant to interfere with Senate procedure, but let the Executive branch deny information to McCarthy's subcommittee.

Conclusions on the Army-McCarthy Hearings

Clearly, large portions of American Society were aware of the dangers that McCarthy posed, but they collectively feared the power of smear wielded by McCarthy. What was needed, in order to head off an impending Constitutional crisis, was a symbolic institution with which the public at large could identify. The Army filled this role:

The nationally televised Army-McCarthy Hearings . . . were able to demonstrate to the American people that what McCarthy had in his hand as he waved pages presumably laden with the names of Communists was nothing more than innuendo and smear. McCarthyism taught the American public to recognize the grosser forms of guilt by association."¹¹³

The Federal government possessed the means to destroy McCarthy long before the Army hearings. Why it did not use the information in the FBI and CIA files is a matter of conjecture. While the CIA may not have possessed the necessary ethical stature to serve as an effective vehicle for contrast, Hoover's FBI was at the height of its public popularity. It is possible, however, that Eisenhower and his advisors had no knowledge of what was contained in these files. It is also quite possible that both Hoover and Dulles regarded McCarthy as a positive force against Communism. In the case of both the FBI and the CIA, using the information on McCarthy would have required an uncomfortable examination on the charter of these organizations, and the methods they used to gather the information.

In contrast, the Army's *Chronology* was quickly identified as the centerpiece of the Government's counter attack strategy against

McCarthy. A majority of the public respected -- and could identify with -- the Army as an institution, and it represented a point around which other elements of American society could rally.

It is indeed possible that the ideological battle fought by the Army against McCarthy was the most important battle of the Cold War.

SECTION FOUR

CONCLUSIONS

This monograph posited a causal chain of events that led to use of the Army, as a repository of national values, in the peacetime protection of the Constitution. From the beginning, the institution must craft the hierarchy of mechanisms that define and regulate the individual's relationship to the state and society. Upon induction, the individual begins a socialization process that replaces the old set of values with those of the Army. Over time, and with careful administration, this corporate body can build an ethos that may be used to not only effectively fight the nation's wars, but also to defend the Constitution in a more conceptual sense.

At the outset of the McCarthy case study, a moral or ethical crisis threatened to rip the peacetime fabric of the constitution. To resolve the issue, the Federal Government chose a repository containing national values -- the Army -- and placed it directly between the source of the Constitutional threat and the Constitution itself. The act of setting a repository of national values directly in the path of the threat succeeded in keeping the Constitution intact.

In performing this function, the Army did not fire a single shot, publish a single war plan, or deploy a single soldier. Conceptually, it ceased to become an organization based on the resolution of conflict by violence and, instead, became a collection of values that the Government purposefully set in direct contrast to the Constitutional threat embodied by McCarthy. By this act of broadcasting a contrast

of values to the public, the Government more clearly delineated the main socio-political issues at hand. This process of comparison consequently had a significant and immediate impact on public opinion.

While the case of Senator McCarthy was used here, the concept can perhaps be carried further and applied to cases such as racial integration, Roosevelt's Civilian Conservation Corps program, disaster relief, drug interdiction, and the provision of role models to developing democratic nations. Unfortunately, there are also dangers in this approach.

First, there are problems developing with the notion of the 'messianic' role of the Army Officer Corps in American society. We noted earlier the marked difference in crime statistics between the Army and society. This decline in society's morals has not gone unnoticed by the officer corps. In 1990, Peter Maslowski, a distinguished historian, wrote that the majors who attended the U.S. Army Command and General Staff College exhibited

an almost unanimous contempt towards civilians who, of course, exemplify national values but do not, in the ordinary course of events, typify military values. With distressing regularity, the majors denigrated ordinary civilians as "stupid," displayed a genuine viciousness toward the press and heaped opprobrium upon Congress in particular and "politicians" in general.¹¹⁴

It is the issue of causality that makes Maslowski's observations critical to the discussion. Is this contemptuous attitude constant across the Army Officer Corps and across time, or can it be a function of the accelerating dichotomy between societal and Army values? Clearly, if military leadership requires a stable, absolute ethical framework, and the underlying society displays an accelerating drift away from these values, then an eventual schism is likely to result -- with unfortunate consequences for the nation. This growing resentment of the Officer Corps to a society or political structure without values might well become the Army's biggest problem in the intermediate term.

Second, if the notion of a repository is valid, then we must also consider that the repository can be damaged or its contents corrupted to the point where it can no longer perform its comparative function. Since the basic moral-ethical structure found in the vessel is absolute in nature, it requires careful deliberation prior to its employment in either peace or war. In effect, the Code of the Officer establishes an ". . . absolute rule among military people that ends do not justify the means."¹¹⁵ In other words, even the survival of society, *in extremis*, cannot demand ways which lie outside the Code. This single facet places the individual, the officer corps and the Army as a whole in jeopardy whenever they are given a mission that violates this ethical framework.

Damage to the repository -- this useful vessel of values -- can occur in several ways. First, the vessel is damaged if the Army actively attempts to involve itself in a political crisis. The required institutional passivity extends to statements and actions by individuals within the corporate body. Second, the contents of the vessel can be contaminated over time to the point where it can no longer provide the required comparative function. Last, the vessel is damaged through frequent mishandling by the body politic. Patterns of damage normally include a governmental decision to use the Army for missions that lie outside the boundary of the Code, a military response that eventually embraces unethical methods, and subsequent public scrutiny and criticism. Vietnam and Iran-Contra both represent this pattern. One can speculate that, if the Army-McCarthy hearings had taken place in 1973, that McCarthy might have won, changing the fabric of American society forever.

This leaves us with the notion of vessel strong in one dimension, yet fragile in another -- one that can both destroy a threat the magnitude of McCarthy, yet easily be damaged through misuse. We also note the transient nature of the repository, and its temporal dimension illustrated by the continuing efforts to repair it and purify its contents years after the debacle of Vietnam's body counts. Clearly, this means that there are things which the Army, by its very nature, cannot do well.

Further, this single restriction suggests another looming crisis between an absolute moral-ethical base and the Constitution itself. The genius of the Constitution is ". . . compromise, which entails the surrender of one's private position to reach a working arrangement with others."¹¹⁶ This system worked well when the compromises dealt with the business of the state. Today, an increasing number of special interest groups, with a wide variety of relativistic agendas, are forcing their way into the body politic. The Constitutional response will probably be compromise, allowing a host of laws based on an absolutist ethical framework to be overturned. Again, a schism is possible if the distance is not somehow closed between the Army's repository and political trends. The ethical latitude given to the Army to close this distance is slight, however, considering the leadership characteristics needed to lead free men to their potential deaths in combat. These problems remain in the future, and provide directions for further research.

In the final analysis, no better advice to both the Army and society in general can be tendered than that of Samuel P. Huntington, who noted:

Upon the soldiers, the defenders of order, rests a heavy responsibility. The greatest service they can render is to remain true to themselves, to serve with silence and courage in the military way. If they abjure the military spirit, they destroy themselves first and their nation ultimately. If the civilians permit the soldiers to adhere to the military standard, the nations themselves may eventually find redemption and security in making that standard their own.¹¹⁷

NOTES

Section One

¹ United States Army, FM 100-5 : Operations, (Washington, D.C.: U.S. Government Printing Office, 1993), p. 1-2.

Section Two

² Carl Builder, The Masks of War: American Military Styles in Strategy and Analysis, (Baltimore: Johns Hopkins University Press, 1989), p. 33.

³ Barbara W. Tuchman, "Human Nature is Responsible", in The American Military: Opposing Viewpoints, edited by David L. Bender (St. Paul, Minn.: Greenhaven Press, 1983), p. 74.

⁴ Samuel P. Huntington, The Soldier and the State, (New York: Vintage Books, 1957), p. 317.

⁵ Mortimer J. Adler, We Hold These Truths, (New York: Collier Books, 1987), p. 112.

⁶ Extracted from the U.S. Army Officer's Commission.

⁷ Colonel Verne Bivin, "Read Your Commission," The Airman, (June 1961): 34.

⁸ Ibid., p. 35.

⁹ Extracted from the Oath of Office - Military Personnel, AR 140-100.

¹⁰ LTC Stan Florer, interview by author, Ft. Leavenworth, Ks., 15 Aug 1993.

¹¹ Bivin, p.34.

¹² Lawrence P. Crocker, The Officer's Guide, 38th Edition, (Harrisburg, Pa.: Stackpole Books, 1975), p. 4.

¹³ Samuel P. Huntington, The Soldier and the State, (New York: Vintage Books, 1957), p. 152.

¹⁴ Ibid., p. 152.

¹⁵ Dr. John Fishel, interview by author, Ft. Leavenworth, Ks., 10 August, 1993. Dr. Fishel indicated that many South American countries use a constitution and officer's oath identical in wording to ours. However, in many cases, the average South American military defends the constitution by internally overthrowing legislatures and presidents that are in disagreement.

¹⁶ Adler, pp. 40-41.

¹⁷ The Founding Fathers were explicit about the relationship between the Declaration, the Constitution and the moral ethical framework. John Adams held that "Our Constitution was made for a moral and religious people . . . It is wholly inadequate for governance of any other." George Washington said "Of all the dispositions and habits that lead to political prosperity, religion and morality are indispensable supports." The main author of the Constitution, James Madison, voiced a similar view: " We have staked the whole future of the American civilization, not upon the power of government, far from it. We have staked the future . . . upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves, according to the Ten Commandments of God." For more on the relationship of morals to the core of the American Ideal, see American Historical Documents, Charles W. Elliot, ed., (New York: P.F. Collier, 1938).

18 Alexis de Tocqueville, Democracy in America, (New York, Harper and Row, 1966), pp. 287-293.

19 Huntington, p. 458.

20 Ibid., p. 458.

21 James H. Toner, "Teaching Military Ethics," Military Review, (May 1993): 33-40.

22 William V. Kennedy, The Military and the Media: Why the Press Cannot be trusted to Cover a War, (Westport, Conn.: Praeger Press, 1993), p. 15.

23 Adler, p. 91.

24 Ibid., p. 19

25 Crocker, p. 7.

26 Lieutenant General Sir John Winthrop Hackett, "The Profession of Arms, Part 1: Wellsprings in History," Military Review, (October 1963): 34-44.

27 Malham W. Wakin, ed., War, Morality and the Military Profession, (Boulder, Co.: Westview Press, 1986), p. 4

28 Adler, p. 28.

29 U.S. Department of Justice, Bureau of Justice Statistics, "Lifetime Likelihood of Victimization," (Washington, D.C.: U.S. Government Printing Office, March 1987).

30 National Center for Health Statistics, as quoted in William J. Bennet, The Index of Leading Cultural Indicators, Volume I, (Washington, D.C.: The Heritage Foundation, 1993), pp. i-ii.

-
- 31 Julie Johnson, "The Face of Crime," Time, (August 23, 1993): 32.
- 32 William J. Bennet, The Index of Leading Cultural Indicators, Volume I, (Washington, D.C.: The Heritage Foundation, 1993), pp. i-ii.
- 33 Jon D. Hull, "The Knife in the Book Bag," Time, 8 February, 1993, Online Edition, Downloaded from America Online, December 13, 1993.
- 34 Ibid., pp.i-ii.
- 35 Ibid., pp. ii.
- 36 Roger H. Nye, The Challenge of Command, (Wayne, NJ: Avery Publishing Group, 1986), p. 14.
- 37 William L. Hauser, "The Peacetime Army: Retrospect and Prospect," in The United States Army in Peacetime, ed. Robin Higham and Carroll Brandt, (Manhattan, KS: Kansas State University press, 1975), p. 207.
- 38 Nye, p. 15.
- 39 Lieutenant General Sir John Winthrop Hackett, "The Military in the Service of the State," in War, Morality and the Military Profession, Malham W. Wakin, ed., (Boulder, Co.:Westview Press, 1986), pp. 119-120.
- 40 Jim Tice, "The Young and the Restless," Army Times, 4 October 1993: p. 12.
- 41 Major General Walter F. Ulmer, "Notes on Learship for the 1980's," Military Review (July 1980) :11.
- 42 Tom Morgenthau and Doug Waller, "The Military's New Image," Newsweek (March 11, 1991): 51.
- 43 Ibid., p. 50.

44 Wakin, p. 5.

45 Ibid., p. 5.

Section Three

46 William Ewald, Jr., Who Killed Joe McCarthy? (New York: Simon and Schuster, 1984), p. 20.

47 Charles E. Potter, Days of Shame, (New York: Coward-McCann, 1965), p. 25.

48 Ewald, p. 21.

49 Ibid., p. 21.

50 Potter, p. 21.

51 Ibid., p. 21.

52 Ibid., p. 25.

53 Ibid., p. 25.

54 Nicholas von Hoffman, Citizen Cohn, (New York: Doubleday, 1988), p. 210.

55 Ibid., p. 92

56 Ibid., p. 183.

57 Ibid., p. 193.

58 Curt Gentry, J. Edgar Hoover: The Man and the Secrets, (New York: W.W. Norton, 1991), p. 442.

59 von Hoffman, p. 204.

60 Ewald, p. 63.

61 von Hoffman, p. 167.

62 Senator Joseph R. McCarthy, America's Retreat From Victory: The Story of George Catlett Marshall, (Boston, Mass: Western Islands Press, 1965)

63 Ewald, p. 73.

64 Ibid., p. 73.

65 Ibid., p. 69.

66 Ibid., p. 73.

67 Ibid., p. 73-74.

68 Thomas C. Reeves, The Life and Times of Joe McCarthy, (New York: Stein and Day, 1982), p. 530.

69 Ewald, p. 75.

70 Ibid., p. 74-75.

71 Reeves, pp. 569-575.

72 Ibid., p. 521.

73 Potter, p. 22.

74 Abe Feller, General Counsel for the United Nations jumped from his apartment window in 1952. Raymond Kaplan, an engineer for the Voice of America, threw himself in front of a truck in 1953.
(von Hoffman, p. 116, p. 181)

75 Reeves, p. 535.

76 Gentry, p. 434.

77 Ewald, p. 232.

78 Diana West, "Leaking to Win," Esquire, (January 1991): 75.

79 von Hoffman, p. 217.

80 Ibid., p. 218.

81 Ibid., p. 221.

82 Reeves, p. 575.

83 von Hoffman, p. 226.

84 Ibid., p. 221.

85 Ibid., p. 174

86 von Hoffman, p. 218.

87 Reeves, p. 585.

88 Reeves, p. 585.

89 Ewald, p. 312.

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- 90 Ibid., p.324.
- 91 Ewald, p. 335.
- 92 Ewald, p. 338.
- 93 Days of Shame, p184.
- 94 Potter, p. 604.
- 95 von Hoffman, p. 235.
- 96 Potter, pp. 215-216.
- 97 Reeves, p. 651.
- 98 Potter, p. 96.
- 99 Reeves, p. 604.
- 100 Ewald, p. 379.
- 101 Ibid., p. 381.
- 102 Ibid., p. 384.
- 103 Reeves, p. 636.
- 104 Ibid., p. 671.
- 105 von Hoffman, p. 40, p. 464.
- 106 Erwin N. Griswold, The 5th Amendment Today, (Cambridge, Mass: Harvard University Press, 1955), pp. 1-2.

-
- 107 Ibid., pp. 1-2.
- 108 Ibid., pp. 40-52.
- 109 Alfred H. Kelley and Winfred A. Harbison, The American Constitution, (New York: W.W. Norton, 1955), pp. 908-909.
- 110 Martin Shapiro, et al, American Constitutional Law, 4th Edition (New York: MacMillan Publishing, 1975), pp. 9-11.
- 111 Bruce Findlay, Your Rugged Constitution, (Stanford, CA: Stanford University Press, 1950), pp. 24-39.
- 112 Ewald, pp. 79-80
- 113 Kathleen Hall Jamieson, Dirty Politics: Deception, Distraction, and Democracy, (New York: Oxford University Press, 1992), p. 71.

Section Four

- 114 Peter Maslowski, "Army Values and American Values," Military Review (April 1990) : 16.
- 115 Major General Clay T. Buckingham, "Ethics and the Senior officer", Parameters, Vol. XV, No. 3, p. 25.
- 116 Alexander Hamilton, James Madison, John Jay, The Federalist Papers, ed. Gary Wills, (New York: Bantam Books, 1982), p. xxiv.
- 117 Huntington, p. 466.

APPENDIX A
SAMPLE TRANSCRIPT OF PHONE CALL

Source: Fred A. Seaton Papers
(FAS Eyes Only Series, Box 4)
The Eisenhower Library, Abilene, KS.

9 December 1953, 2:43 - John Adams (JA) phoned Secretary of the Army Stevens (SA) from the Capitol.

JA: Apparently Joe is now kind of reversing himself on Dave, and what he wants to talk about is some sort of an assignment for Dave and at this moment I don't think we are in any position to say what is going to happen to him.

SA: This is correct.

JA: But Roy said to me this morning, "The Army has double-crossed me for the last time. After I found out he talked to Joe, he said, "The Army is going to find out what it means to go over my head." I said, "Is this a threat,?" He said, "It is a promise, and I always deliver on my promises." He said this morning, "I have had nothing but double-crosses from the Army. You don't keep your word, and Stevens has not kept his word." I said, "Give us times and places where Mr. Stevens has not kept his word." "On that Press Conference," he said, "He has taken Dave and kept him from working with us evenings. I guarantee you we are going to run this hearing; we are going to get your witnesses; and we are going to get this Screening Board up here; and the Army is going to pay for this."

SA: There is a splendid, constructive attitude!

JA: And then this morning they had a surprise witness they pulled in, a civilian employee from Monmouth named Reed (sp?). They pulled him in this morning, and they started to ask him about Ft. Monmouth situations, and I (spoke?) to Joe and stated the fellow had not been instructed, and requested that I sit beside him. And I refused to permit him to tell about loyalty or individuals, or anything like that. And Joe teed off, and Joe said, "This hiding behind Truman directives is silly. He said it, and the Press took it down. He said, "Ask the Secretary of the Army to speak to the President about this, and get this directive changed." It is the very subject I told you I was talking to Hensel about; it is a directive, executive order abolishing all old Truman orders ... (of) Acheson, Truman. It would substitute a good, workable order which would guarantee the protection of the loyalty boards, and the loyalty boards generally. Hensel has an appointment with Brownell for Monday and I am to go with him; and I personally don't think that is soon enough. I was not able to get a hold of Hensel at lunch.

SA: I saw him at lunch. He ought to be back pretty soon now.

JA: I wanted to ask him if he couldn't set this thing up with Brownell because Joe has the Administration on the defensive again. If we publish an order on this again, it will be because Joe forced us again. Each time we drag our feet, then Joe has got the ball.

SA: Do you think I ought to see Joe at any time soon.

JA: After I talked to him, I think you should talk to him about the Lawton situation and whether or not these hearings are going to run on forever, and whether or not this is a matter of Army cooperation. Roy says, "We are never going to stop this. Joe will deliver, and I can make Joe do what I want." (?) offers him the chief counsel job, and Joe says, "I have got to satisfy Roy."

SA: Is the hearing on again this afternoon?

JA: At 3:00.

APPENDIX B
THE CHRONOLOGY

Source: Fred A. Seaton Papers
(FAS Eyes Only Series, Box 5)
The Eisenhower Library, Abilene, KS.

Dear Senator Potter:

March 10, 1954

In response to the request made in your letter of March 8, 1954 to the Secretary of Defense, I am enclosing herewith a chronological statement of the discussions with respect to Private G. David Schine and the manner in which he was assigned and treated. This chronological statement has been compiled under my supervision by examination of various files of the Army and oral examination of the individuals mentioned who were available to the men assigned by me to prepare the document itself.

I believe this chronological statement will furnish the answers to the three specific questions requested by you, and all facts stated therein have been verified in the manner above mentioned. If you wish any further information, will you please call upon me.

Sincerely yours,
H. Struve Hensel

Enclosure

Honorable Charles E. Potter
United States Senate
Washington, D.C.

1. Mid-July 1953: Major General Miles Reber, then Chief of Army Legislative Liaison, received a phone call stating that Senator McCarthy desired to see him. He went to the Senator's office and Senator McCarthy there informed General Reber that he was very interested in securing a direct commission for Mr. G. David Schine, a Consultant to the Senate Permanent subcommittee on Investigations, on the basis of Mr. Schine's education, business experience and prior service with the Army Transport Service. Senator McCarthy said that speed was desirable since Mr. Schine might be inducted into the Armed Forces under the Selective Service Act. During the meeting Mr. Roy Cohn, Chief Counsel of the Subcommittee, came in the room and emphasized the necessity for rapid action.

2. 15 July 1953: Mr. Schine called the Office of the Chief of Legislative Liaison (COLL), Department of the Army, on the telephone and asked whether he could come to the Pentagon that afternoon and "hold up his hand." He was advised that it would be necessary to submit an application for a commission. He came to COLL in the Pentagon where he was assisted in completing the necessary application blanks. He was also taken to the Pentagon Dispensary for a physical examination.

3. 15-30 July 1953: Mr. Schine's application for a commission was considered by the Chief of transportation, the Provost Marshal General and the Commanding General of First Army. All three determined that Mr. Schine was not qualified for a direct commission and he was so notified by letter dated July 30, 1953 from the First Army and confirmed by General Reber. During the period from the time of the initial request by Senator McCarthy concerning the commission for Mr. Schine to the time of the final decision that Mr. Schine was not qualified for a commission, there were inquiries from the Committee staff to COLL as to the status of the application.

4. 1 August 1953: Mr. Cohn requested COLL to explore the possibility of obtaining a reserve commission for Mr. Schine in either the Air Force or the Navy. These explorations were undertaken with negative results. Mr. Cohn was so advised during the month of August.

5. 30 September 1953: Mr. Cohn telephoned Secretary Stevens and stated there were two matters which he desired to discuss with the Secretary. An appointment was made for October 2, 1953.

6. 2 October 1953: Mr. Cohn and Mr. Francis Carr, Executive Director of the Senate Permanent Subcommittee, conferred with Secretary Stevens for approximately thirty-five minutes. The purpose of the meeting was to discuss in some detail plans for the Fort Monmouth investigations. During the course of such discussions Mr. Cohn asked the Secretary about an assignment in the New York City area for Mr. Schine, when inducted, Mr. Cohn stated that it was desirable to have Mr. Schine available for consultation to the Staff of the Committee to complete certain work with which Mr. Schine was familiar and that the Army must have several places in the New York area where Mr. Schine could perform Army work. The Secretary did not agree with this suggestion and pointed out that Mr. Schine should follow the same procedures for assignment as any other private in the Army.

7. 14-17 October 1953: At some point during this period, Mr. Cohn requested Secretary Stevens to assign Mr. Schine to temporary duty in New York after his induction for the purpose of completing Committee work, Secretary Stevens suggested that 15 days of temporary duty might be arranged between induction and training for the completion of Committee work.

8. Mid-October 1953: During the course of hearings in the Court House in Foley square in New York in mid-October 1953, at one time, Senator McCarthy, Mrs. McCarthy and Mr. John G. Adams, Department of the Army Counselor, were together. Senator McCarthy at this time told Mr. Adams that Mr. Schine was of no help to the committee but was interested in photographers and getting his pictures in the paper, and that things had reached the point where Mr. Schine was a pest, Senator McCarthy further said that he hoped nothing would occur to stop the ordinary processes of the draft procedures in Schine's case.

Mr. Adams requested Senator McCarthy's permission to repeat the Senator's statement to Secretary Stevens. Senator McCarthy stated that he hoped Mr. Adams would promptly tell Secretary Stevens his views.

9. Mid-October 1953: On the next occasion when Secretary Stevens, Senator McCarthy and Mr. Adams were together, which was within a very few days, Mr. Adams raised the subject of Mr. Schine. Senator McCarthy told Secretary Stevens and Mr. Adams that Mr. Schine was a nuisance but that Senator McCarthy did not want Mr. Cohn to know of those views on Mr. Schine.

10. Oct 10 - Nov 3, 1953: During this two week period, Mr. Cohn and Mr. Adams spoke in person or on the telephone almost every day concerning an assignment for Private Schine to the New York City area. On these occasions, Mr. Adams suggested to Mr. Cohn that the Army had an obligation to 300,00 other men being drafted every year and that Mr. Schine wasn't the only college graduate to serve as a private.

It was on these occasions that Mr. Adams first stated that the national interest required that no preferential treatment be given to Schine and explained to Mr. Cohn that he was 15 years older than Mr. Cohn and could speak from a wealth of experience as a Senate employee and in the Pentagon on this very subject, Mr. Cohn replied that if national interest was what the Army wanted he'd give it a little and then proceed to outline how he would expose the Army in its worst light and show the country how shabbily it is being run.

Mr. Adams attended Executive Sessions of the Subcommittee in New York. Mr. Cohn discussed Mr. Schine's assignment in the Army several times with Mr. Adams.

11. 3 November 1953: Mr. Schine was inducted into the Army and was placed on 15 days temporary duty in New York to complete Committee work. The day following, Senator McCarthy said to Mr. Adams that members of the press and others might ask why Private Schine was still in New York. Senator McCarthy requested Mr. Adams to have the temporary duty in New York canceled.

At that time, Mr. Cohn suggested to Mr. Adams that as long as it was the middle of the week the temporary duty be continued to the end of the week and Private Schine report the first of the following week. This was done.

12. 3-6 November 1953: Sometime during this period, Mr. Cohn had a conversation with Mr. Adams in which Mr. Cohn stated that members of the committee staff would have to go to Fort Dix to conclude certain Committee work upon which Private Schine had been engaged.

13. 6 November 1953: At the invitation of the Secretary of the Army, a luncheon, attended by the Secretary, Mr. Adams, Senator McCarthy, Mr. Francis Carr, and Mr. Cohn, was held in the Pentagon. The principal subject of discussion at the luncheon was the Fort Monmouth investigation.

During the course of the luncheon, however, Mr. Cohn asked when the Army would be able to arrange for a New York City assignment for Private Schine. Senator McCarthy also stated that he was interested in Private Schine's receiving a New York city assignment and suggested that Schine might be sent to New York with the assignment of studying and reporting to the Secretary on evidence of pro-communist leanings in West Point text books. Mr. Cohn also requested that Private Schine be made available for Committee work while he was undergoing basic training at Fort Dix, Mr. Stevens said that, if necessary to complete pending Committee work, Private Schine would be permitted to leave the Post on weekends after his training was concluded. Mr. Stevens further stated that, if the Committee staff found it necessary to consult with Private Schine during the week about Committee matters, they might go down to Fort Dix and meet with Private Schine on the Post in the evening at the conclusion of Private Schine's training after first clearing with General Ryan. Mr. Stevens also said that if a matter of urgency in Committee work developed, Private Schine could be given permission to leave the Post for that purpose in the evening after training.

Normally, soldiers in their first four weeks of basic training at Fort Dix are not permitted to leave the Post in the evening's nor are they given week-end passes.

This rule is a local one, and is subject to modification to permit new arrivals to meet persons emergencies, family needs, or to close out commitments. The statement of Secretary Stevens, therefore authorized Private Schine to be given passes if needed for Committee business on the first four week-ends when he might otherwise have been restricted and to be available to meet with the Committee staff in evenings on Post, if the Committee needed Private Schine for Committee business. It was, in effect, a modification to permit Private Schine to close out his professional commitments.

14. 10 November 1953: Private Schine boarded a bus at 39 Whitehall, New York, and was transported to the Reception Center at Fort Dix, New Jersey.

15. 11 November 1953: Mr. Francis Carr and Mr. Cohn visited General Ryan, Commander to Fort Dix, and requested to see Private Schine at the Reception Station. Private Schine was made available.

16. 12 November 1953: Some member of the Subcommittee staff telephoned Fort Dix and requested that Private Schine be given a pass over the week-end. The pass was issued.

17. 17 November 1953: Secretary Stevens and Mr. Adams lunched with Senator McCarthy in New York. The Secretary, enroute back to Washington gave Senator McCarthy and members of the Committee staff a ride in his plane to McGuire Air Force Base which adjoins Fort Dix, New Jersey. Private Schine was given a pass that evening to see Senator McCarthy and members of the Committee staff.

18. November 1953: Mr. La Venia of the Committee Staff telephoned Fort Dix and requested that Private Schine be given an pass until his formal basic training started on 23 December. (During this period from 10 to 23 November, Private Schine was being processed and awaiting the beginning of the next cycle of basic training which was to begin on the 23rd).

19. 19 November 1953: Private Schine was given a pass commencing at 16:15 hours, Thursday, 19 November, until 2400 hours Sunday, 22 November. (As indicated, this was before his cycle of basic training started).
20. 23 November 1953: Private Schine was given a pass from the end of duty hours on Wednesday until 2300 hours on Thursday, 26 November (Thanksgiving holidays, no training scheduled).
22. 26 November 1953: Private Schine was given a pass from the end of duty hours on Saturday until 2400 hours Sunday, 29 November (week-end).
23. 6 December 1953: General Ryan telephoned Mr. Adams from Fort Dix and stated that the matter of handling Private Schine was becoming increasingly difficult since the soldier was leaving the post nearly every night. General Ryan stated that Private Schine had been returning regularly to the Post very late at night. General Ryan then stated that unless the Secretary objected he intended immediately to terminate Private Schine's passes on week nights. Mr. Adams advised General Ryan that from that moment forward, insofar as the Secretary was concerned, Private Schine was no longer available for Committee business during the evenings of weekdays, but that in view of the Secretary's statement about week-ends, Private Schine should continue to be available for Committee work on week-ends after he had concluded his training. Mr. Adams stated that General Ryan was authorized on behalf of the Secretary to advise all members of the Committee staff that Private Schine could not leave the Post on evenings thereafter.
24. 6 December 1953: The Committee began open hearings in Washington with Aaron Coleman as principal witness.
25. 9 December 1953: Just before the hearing opened in the morning, Mr. Cohn spoke to Mr. Adams concerning the Army's prospective

assignment of Private Schine and Mr. Adams explained, as he had many times before, that Private Schine was going to be handled the same as any other private soldier. Mr. Cohn broke off this conversation in the middle, turning his back on Mr. Adams in the Senate Caucus room.

At about 12:30PM, at the conclusion of the morning hearing, Mr. Adams followed Senator McCarthy to his office and conferred with him concerning the inquiries of Mr. Cohn about Private Schine.

As a result of Mr. Adams' request, Senator McCarthy told Mr. Adams that he would write the Secretary of the Army a letter in which he would state that the Committee had no further interests Private Schine and that he hoped that Private Schine would be treated the same as other soldiers. Senator McCarthy also said he would ask the Committee staff to observe the same rule. This letter under date of 22 December 1963, was written by Senator McCarthy and received by the Secretary of the Army.

Mr. Adams returned to the Pentagon and in the middle of the afternoon received a telephone call from Mr. Cohn. Mr. Cohn stated to Mr. Adams that he would teach Mr. Adams what it meant to go over his head.

26. 10 December 1953: The Washington hearings for that week concluded at noon on Thursday. At Senator McCarthy's request, Secretary Stevens and Mr. Adams lunched with Senator McCarthy and Mr. Francis Carr at the Carrol Arms. According to Mr. Carr, Mr. Cohn was too upset to attend the lunch because of the Private Schine situation and the Army's unwillingness to settle on Private Schine's future assignment, and had departed to New York immediately after the conclusion of the morning hearings. At this luncheon there were extensive discussions led by Senator McCarthy as to the possibilities of an immediate New York assignment for Private Schine. The Secretary stated that Private Schine must complete his basic 16 weeks training before his future assignment could even be discussed. During the luncheon Senator McCarthy suggested several times the possibility of a New York area assignment for Private Schine at the conclusion of 8 weeks at Fort Dix, pointing out that he knew of instances where trainees received assignments at the end of 8 weeks instead of 16 weeks.

27. 11 December 1953: On this day Private Schine was informed that thereafter training would be expanded to include Saturday morning duty. This was the first Friday following General Ryan's decision to prohibit Private Schine's leaving the Post on evenings during the week. During the afternoon, Mr. Adams had extensive long distance conversations with Mr. Cohn from New York, all of them initiated by Mr. Cohn, and one of which lasted nearly an hour. During these conversations, Mr. Cohn, using extremely vituperative language, told Mr. Adams that the Army had again "double crossed" Mr. Cohn, Private Schine and Senator McCarthy.

The first double cross, according to Mr. Cohn, was when the Army had not given a commission to Schine after promising one to him the second double cross, according to Mr. Cohn, was that the Army had not assigned Private Schine immediately to New York; and another was that the Army canceled Private Schine's ability during week nights. The requirement that Private Schine perform duties on Saturday mornings was a new double cross.

28. 12-13 December 1953: Private Schine was given a pass for the weekend.

29. 17 December 1953: On the morning of 17 December, Senator McCarthy spoke to Mr. Adams at 10:30 AM, at the entrance to the U.S. Court House in New York. He stated to Mr. Adams that he had attempted on the previous evening to telephone him. He stated that he had learned of the extent of his staff's interference with the Army with reference to Schine, and that he wished to advise Adams thereafter to see that nothing was done on the committee's behalf with reference to Schine. After the hearings, Senator McCarthy, Mr. Cohn, Mr. Francis Carr and Mr. Adams were present together. Mr. Adams, in order to have Senator McCarthy state his views in front of Messrs. Carr and Cohn, suggested discussing the Private Schine situation. The discussion became heated and Mr. Cohn restated all the arguments which he had used before and referred all the arguments which he had used before and referred to a so-called commitment that Private Schine be assigned to the New York City area immediately upon finishing basic training. Mr. Cohn was vituperative in his language. During this discussion, Senator McCarthy remained silent.

The party rode uptown in Mr. Cohn's care and Mr. Cohn continued his statements. Twice during the ride uptown and as Mr. Adams was getting out of the car, Senator McCarthy asked Mr. Adams to ask Secretary Stevens if the Secretary could find a way to assign Private Schine to New York. Senator McCarthy again suggested the possibility that the Secretary should put Private Schine on duty at Headquarters, First Army, with an assignment to examine the text books at West Point and to report to the Secretary as to whether they contained anything of a subversive nature.

30. 19-20 December 1953: Private Schine was given a pass over the weekend.

31. 24-27 December 1953: Private Schine was given a pass (Christmas holidays).

32. Mid-December 1953: In Mid-December, Mr. Adams discussed with the Office of the Adjutant General (AG) of the Army what assignment was scheduled for Private Schine. Mr. Adams pointed out that neither the Secretary nor he would interfere with it, but that Mr. Adams wished to know what the qualification testing of Private Schine had developed. TAG advised that Private Schine had been tested at Fort Dix, that he had been found physically disqualified for service in the Infantry because of a defect in his back, and that the primary Military Occupational Specialty (MOS) which had been developed was that of an Assistant Criminal Investigator. TAG stated further that quite probably Schine would be transferred at the conclusion of his eight weeks basic training at Fort Dix to the Provost Marshal General School at Camp Gordon, Ga., for training in the Criminal Investigators School. TAG advised that the length of the course was eight weeks.

Following these discussions with TAG, Mr. Adams went to Secretary Stevens and discussed the results of the qualification testing with him. Mr. Adams stated that an assignment to Camp Gordon for Private Schine would be the normal course of action that would follow from the qualification testing.

On 31 December Mr. Adams called Mr. Cohn on the telephone and told him about the probable assignment for Private Schine.

Mr. Adams explained that according to his understanding, Private Schine would have eight weeks at Camp Gordon Provost Marshal School after which Private Schine would be eligible for reassignment. Mr. Cohn repeatedly asked if the reassignment would be to New York. Mr. Adams told him that he did not know and that he was not able to discuss the future assignment of Private Schine.

33. 31 December 1953 - 3 January 1954: Private Schine was given a pass (New Year's Holidays).

34. 9 January 1954: Mr. Adams was at Amherst, Massachusetts, filling a speaking engagement at Amherst College. In the middle of the afternoon Mr. Adams received a long distance call from Mr. Francis Carr who said he had been trying to reach him since the previous evening. Mr. Carr stated that Mr. Cohn had been trying to reach Mr. Adams from New York and that the purpose of Mr. Cohn's call was to have Mr. Adams intervene with the Commanding General at Fort Dix because Private Schine was scheduled for KP duty on the following day, a Sunday.

Mr. Adams told Mr. Carr that it was absolutely impossible for him to do anything from Amherst. Shortly thereafter, Mr. Adams received a call from Mr. Cohn but declined to accept same.

35. 9-10 January 1954: Private Schine was allowed to go on pass (weekend leave) until Sunday afternoon when he was required to return to Fort Dix.

36. 11 January 1954: On or about this date, Mr. Cohn called Mr. Adams and asked extensive questions with reference to Camp Gordon, Georgia, and the exact number of days Private Schine would be required to serve there. Mr. Cohn also desired to know if it were necessary for Private Schine to live on the post; if Private Schine could have his car on post; and the name of the person at Camp Gordon who should serve as the contact between Mr. Cohn and Camp Gordon for the purpose of relieving Private Schine from duty when necessary. Mr. Cohn stated that the committee would need Private Schine regularly for committee duty. Mr. Adams stated that Private Schine would be treated the same as any other private.

After this conversation with Mr. Cohn, Mr. Adams telephoned the Provost Marshal General, General Maglin, to ascertain exactly what type of school was being operated at Camp Gordon and exactly what was in store for Private Schine. General Maglin told Mr. Adams that his previous information that Private Schine needed to stay only eight weeks at Camp Gordon was erroneous because the first 8 weeks at Camp Gordon were merely the second 8 weeks of Private Schine's required 16 weeks of basic training. General Maglin then stated that it would be necessary for Private Schine to complete this 8 weeks before Private Schine could qualify for training at the Criminal Investigators School. He further explained that if Private Schine qualified for duty in the CID School, it would be necessary for him to remain at that school another 10 weeks. This total would amount to nearly 5 months at Camp Gordon.

Mr. Adams immediately telephoned Mr. Cohn and advised him of this development. During the midst of the conversation Mr. Cohn hung up on the telephone after telling Mr. Adams he would not stand for any more double crosses.

37. 13-14 January 1954: A day or so after the conversation with Mr. Cohn, Mr. Adams went to the Capitol and called on Mr. Cohn and Mr. Carr in Mr. Cohn's office in the Senate investigations Subcommittee. General discussion was had concerning the Private Schine situation and the progress of the McCarthy Committee Investigation at Fort Monmouth. Knowing that 90% of all inductees get overseas duty and that there were 9 chances out of 10 that Private Schine would be facing overseas duty when he concluded his tour at Camp Gordon, Mr. Adams informed Mr. Cohn of this situation. Mr. Cohn upon hearing this said this would "wreck the Army" and cause Mr. Stevens to be "through as the Secretary of the Army."

The same afternoon General Maglin, the Provost Marshal General, and General Howard, who had just returned from the Far East and was scheduled to be the Commanding General at Camp Gordon, conferred with Mr. Adams in his office in the Pentagon for about one hour.

General Maglin discussed with Mr. Adams in detail the method by which a soldier ordinarily is handled at Camp Gordon, and pointed out to him that it was absolutely imperative that Private Schine complete his

second 8 weeks of basic training before he would be eligible for consideration for the CID school.

Mr. Adams stated that Private Schine had been a source of concern to General Ryan at Fort Dix. Mr. Adams told General Howard that regardless of whether he received telephone calls from Mr. Cohn or anybody else that General Howard was to disregard them and that if General Howard were to get any instructions at all with reference to special treatment for Private Schine they would come either from Mr. Adams or from the Secretary of the Army. Mr. Adams stated to General Howard that it was the Secretary's desire that Private Schine be given exactly the same treatment at Camp Gordon as was given to any other soldier.

38. 13-14 January 1954: After this interview with Generals Maglin and Howard, Mr. Adams went to see Secretary Stevens. Mr. Adams first reported to the Secretary his conversations with Mr. Cohn. Mr. Adams then stated he believed it would be advisable for the Secretary to talk directly to Senator McCarthy about the situation. The Secretary stated that, since he was going to the Orient in two or three days to be gone nearly a month, he felt that it would be well for him to go and see Senator McCarthy that very day to discuss general Army matters of interest to the Committee.

Secretary Stevens telephoned Senator McCarthy and the Senator arranged for a conference at the Carrol Arms Hotel at 5:00 that same afternoon. The Secretary asked Major General Young, ACS G-1 (Personnel), to check all conflicting stories concerning the type and length of assignment which was facing Private Schine at Camp Gordon. General Young reported back to Secretary Stevens that the information supplied by General Maglin to Mr. Adams was correct, namely, that Private Schine must complete 8 more weeks of basic training in military police work and then would be eligible, if considered qualified, for assignment to the Criminal Investigators School for a course which would take another 10 or 11 weeks.

Secretary Stevens met with Senator McCarthy at the Carol Arms Hotel as agreed. After approximately one-half hour they were joined by Al McCarthy, who was introduced by the Senator. Al McCarthy remained through the rest of the visit which lasted approximately two hours.

Secretary Stevens explained to Senator McCarthy the type of duty which was scheduled for Private Schine at Camp Gordon and the length of time he would be there. On about four or five occasions, Senator McCarthy brought up the question of an assignment for Private Schine to the New York area at the conclusion of his tour at Camp Gordon. Secretary Stevens did not make any commitment with reference to Private Schine's assignment after he had completed this training at Camp Gordon, but did explain the length of time Schine was required to spend at Camp Gordon.

39. 16 January 1954: Private Schine completed 8 weeks of basic training at Fort Dix and departed for two weeks leave. This is the normal leave given to every trainee upon completion of the first cycle of 8 weeks basic training.

40. 18 January 1954: At about 4:00 PM on the afternoon of Monday, the day following the departure of Secretary Stevens for Korea, Mr. Francis Carr telephoned Mr. Adams and discussed various subjects with him. During the course of the conversation the question of Private Schine came up. Mr. Adams inquired whether Senator McCarthy had told Mr. Carr over the week-end of his conversation with Secretary Stevens the previous Thursday. Mr. Carr stated he had received no information concerning this meeting. Mr. Adams told Mr. Carr in detail the length of time that Private Schine would be required to spend at Camp Gordon. Mr. Carr stated that he had an incoming call from Mr. Cohn, who was in Florida on vacation, and would inform Mr. Cohn of these developments at once.

About 10 minutes after the conclusion of the Carr telephone call, Mr. Adams received a long distance call from Mr. Cohn from Boca Raton, Florida. Mr. Cohn reported he had just heard about Mr. Adams talk with Mr. Carr. He requested verification and when Mr. Adams repeated what he had told Mr. Carr, Mr. Cohn ended the conversation.

41. 19 January 1954: On Tuesday morning, Mr. Carr telephoned Mr. Adams and advised that the Committee desired to interrogate a number of members of the Army's Loyalty-Security Appeals Board.

Mr. Adams reminded him of prior understandings that such members would not be called. Mr. Carr made no direct reply and stated that Mr. Cohn had terminated his vacation in Florida and returned.

The individuals named were asked to appear at 2:00 PM. Mr. Adams appeared himself, accompanied by Deputy Department Counselor Berry, before the one-man subcommittee headed by Senator McCarthy. Also present were Mr. Cohn, Mr. Carr and the official Committee reporter, Mr. Alderson of the Alderson Reporting Company. The meeting lasted about 45 minutes, during which time Senator McCarthy stated that it was necessary that the Committee interrogate the members of the Board. Senator McCarthy went on the record only at one time to state that he was not requesting these people to come up for the purpose of interrogating them about their participation in the Loyalty-Security Program alone, but that he wished to interrogate them about various widespread allegations he had received concerning fraud and corruption and personal misconduct in their official actions.

42. 22 January 1954: On Friday evening, at Senator McCarthy's request, Mr. Adams went to the Senator's apartment. The visit lasted from about 8:30PM until about 11:15 PM. Mrs. McCarthy was present in addition to Senator McCarthy and Mr. Adams.

The principal topics discussed were: (1) Senator McCarthy's request that members of the Army Loyalty-Security Appeals Board be made available for interrogation by the Committee; and (2) the possibility of an immediate assignment to New York City for Private G. David Schine.

On many occasions during the evening, Senator McCarthy said he did not see why it would be possible for the Army to give Private Schine some assignment in New York and to forget about the whole matter; on at least three occasions he attempted to secure such a commitment from Mr. Adams. Senator McCarthy pointed out that the Army was walking into a long range fight with Mr. Cohn and that even if Mr. Cohn resigned or was fired from the Committee staff, he would carry on his campaign against the Army thereafter from outside Washington. Senator McCarthy suggested that Mr. Cohn through the medium of connections with various newspaper

elements would begin getting published articles alleging favoritism on the part of the Army in numerous other cases. Mr. Adams stated to Senator McCarthy that he knew of no such favoritism and added that the Army was accustomed to being attacked and criticized and did not object to being criticized for doing what it thought right.

One or two occasions during the evening Senator McCarthy refereed to what he called the "original agreement" with respect to Private Schine. Mr. Adams replied that he knew nothing about an original agreement.

On one occasion during the evening reference was made to the New York meeting of 17 December 1953 (see entry of 17 December, supra). Senator McCarthy stated that he would not have blamed Mr. Adams that day, in view of the abuse from Mr. Cohn, if Mr. Adams had walked out and refused ever to speak to Mr. Cohn again.

Senator McCarthy also referred to his request to the Army to produce Loyalty Appeals Board members for interrogation. The Senator stated that in his opinion it was mandatory to call these individuals and said that he would be willing to have Mr. Adams as Counselor of the Army, accompany the witnesses to protect the Army's position and the Army's loyalty program. He assured Mr. Adams that if the Senator interrogated them, he would not interrogate them with reference to anything concerning the loyalty security program itself, which the witnesses under existing Executive Orders would be prohibited from discussing. Mr. Adams suggested they defer the matter until Secretary Stevens returned from he Orient.

At his departure, Mr. Adams repeated to Senator McCarthy that the Army's policy with reference to Private Schine was unchanged from what it had been all along, namely, that Private Schine would be handled according to the standard workings of the system and there would be no interference and no special assignment.

43. 4 February 1954: On either 4 or 5 February, Mr. Adams discussed with Mr. Carr on the telephone the Army's relationship with Senator McCarthy and the Committee staff. Mr. Carr stated that Senator McCarthy was angry over the circumstances of the release from active duty of Major

Peress and the situation had reached the point where the Senator was no longer willing to discuss matters either with the Secretary or with Mr. Adams.

44. 16 February 1954: Mr. Carr telephoned Mr. Adams and requested the Army to produce as witnesses before an open hearing of the Committee in New York City on Thursday morning, 18 February, the Commanding General of Camp Kilmer, the G-2 at Camp Kilmer, and the Acting G-2 of First Army.

Mr. Adams voiced the Army's concern over this development and compared it to the Fort Monmouth situation where the Committee had called in General Officers of the Signal Corps and had caused public uncertainty with respect to the Army security procedures.

Mr. Carr stated that if the Army would be reasonable, probably the Committee would be reasonable. Mr. Adams inquired how Mr. Carr thought that the Army should be 'reasonable' and Mr. Carr answered rather facetiously, that, if the Army would only do all that had been requested of it, the Army's problems would be at an end.

APPENDIX C

COHN'S FABRICATED MEMOS

Source: Fred A. Seaton Papers
(FAS Eyes Only Series, Box 7)
The Eisenhower Library, Abilene, KS.

Memorandum from Frank Carr
To Senator McCarthy
Confidential

Oct 2, 1953 ---

Mr. Cohn and I met with Secretary Stevens at the Pentagon to discuss General Lawton of Fort Monmouth and his blackout order for Fort Monmouth personnel speaking with our staff. Jim Julianna had been advised by Colonel Allen that he couldn't talk with anyone because of an order by General Lawton forbidding talking to the McCarthy committee.

Mr. Stevens was very helpful. He called Lawton and had the order immediately rescinded stating that it was his policy to cooperate with congressional committees. During the course of the conversation, David Schine's pending induction into the Army came up. Mr. Stevens stated that he thought Schine should take his initial basic training and that after he completed his basic, that he Stevens would be able to use Schine to his own advantage in the Army. He stated that he was very interested in any questions of communism or communist infiltration and that he could envision that Dave could be a great assistance to him, if, after basic, he could attend some secretary type school within the Army and report to Stevens his observations, based on his own experience as an investigator in the communist field.

I think that you should know that Mr. Stevens was very helpful and certainly indicated that he had no intention of allowing General Lawton to place his black-out of Army personnel re their possible contact with this committee.

Memorandum for the File

Friday - November 6

At the request of Mr. Stevens, Senator McCarthy, Frank Carr and Roy Cohn went to Mr. Steven's office at the Pentagon for lunch. John Adams was present. Stevens asked us to outline what evidence would be produced at our schedule public hearings on the Army Signal Corps, which he did. Stevens said that if we brought out everything, he would have to resign. He said he had been in office for 10 months, and would have to take responsibility. He said that they were particularly worried about us seeking to identify those who were responsible for not acting to get rid of Communist and security risks in the Army, and who had ordered their reinstatement.

Mr. Stevens asked that we hold up our public hearings on the Army. He suggested we go after the Navy, Air Force and the Defense Department instead. He said first of all we had no evidence warranting an investigation of those other Departments. Adams said not to worry about that, because there was plenty of dirt there, and they would furnish us the leads. Mr. Stevens thought this was the answer to his problems.

We said this was not possible because we have already planned our next investigation which was one of subversion in defense plants handling government and military contracts. He asked why we did not start on that, and he told him we were jammed up trying to get out our reports to file, and with the Monmouth investigation and that David Schine was about to enter the Army and had much information and material on the reports and investigation that we could not get along without.

Mr. Stevens said that he would arrange for Dave to complete the work over week-ends and after training hours. He said this would be satisfactory, and if Dave was willing to do this work after hours, it would help to some extent.

After lunch, General Ridgeway, General Trudeau and General Mudgett came in, and we reviewed our evidence on the Signal Corps for their benefit.

Senator McCarthy reiterated in their presence that he would cooperate as much as possible, but that under no circumstances would there be a whitewash of the Army situation, because the reason a new

administration was elected was to present the cover-up of Communist and those who protected them.

Memorandum

(Date Obscured on Original)

I couldn't get you on the telephone. What I want to tell you is that I am getting fed up with the way the Army is trying to use Schine as a hostage to pressure us to step our hearings on the Army.

Again today John Adams came down here after the hearings and using clever phrases tried to find out, "what's there in it for us" if he and Stevens did something for Schine. He refers to Schine as our hostage or the hostage whenever his name comes up. I made it clear that as far as I was concerned, I don't personally care what treatment they gave Schine, and that as far as I was concerned, he was in the Army. I did say that I thought it wasn't fair of them to take it out on Schine, because we were investigating the Army, or to keep using it to try to stop our investigations. I told him the only contact we were authorized to have with him about Schine was on Investigations Committee Business.

My telling him this does no real good, as he constantly lumps together all his talk about Schine with suggestions that we stop holding hearings on the Army. I am convinced that they will keep right on trying to blackmail us as long as Schine is in the Army. Even though they said he deserved the Commission, they didn't give it to him because of the left-wing press and they keep trying to dangle proposed small favors to him in front of us. Adams, by his attitude makes it clear that the Army will do nothing to see that Schine gets into any kind of assignment to which he is qualified, unless we stop investigating the Army. Then he brought up the "what's there in it for us" business this morning, I told them that I saw no chance of stopping the hearings. I suggest that he talk with you.

This hostage business is getting to be a real thorn in my side and I wish that they would either give Schine what he deserves or leave him in the rear ranks forever without bothering me about it.

------(Obscured on Original)----- with you on last Thursday in New York, I think you should know that the staff of the Subcommittee has not called upon Dave Schine's time or services except when necessary to the Committee work.

As you know, he left the Committee rather suddenly during the middle of this Fort Monmouth investigation. He had done a great deal of work on that and the Defense establishments case involving G. E. (General Electric) I agree that contact with him should be kept at a minimum. So far as I have been able to ascertain there has been no instance where he has missed training because of Committee work. I would have been happier had he cleared up all his work before he left, but under the circumstances he could not.

As you know, I have on many occasions been pretty curt with Dave about prompt submission of memoranda. However, in this current situation in view of the change of plans I cannot criticize him.

I think you should also know that during the past months since we have been closely associated with John Adams, I have on numerous occasions talked to him on the subject of Dave Schine. In all instances that I can remember the topic either came into the conversation as a natural result of some other subject we were discussing or Adams in a facetious vein made some statement concerning the "hostage." I have always taken the position that I personally had no particular interest in Dave Schine's Army career. However, I have upon almost all occasions he has been discussed taken the position that although he deserved no special consideration, he certainly should not be penalized because of his former connection with the committee. On a number of these occasions I have stated that it was my opinion that Schine should get an assignment for which he was qualified and in which he could actually be useful to the Army in an investigatory position. I have never, however, suggested that his assignment should be changed.

Memorandum for File

Meeting with Stevens

November 17,

1953

At the request of Secretary Stevens he came to New York and asked Senator McCarthy to have lunch with him at the Merchants Club.

The Secretary was accompanied by John Adams. Frank Carr, and Roy Cohn were present throughout. A friend of the Senator's with whom he had a prior engagement also joined the luncheon a bit later.

The discussion centered about Secretary Stevens press conference in which he said there had been no espionage at Fort Monmouth. Mr. Stevens produced the correct transcript of the conference and said he had been badly misquoted in the press and the press had absolutely distorted what he said and put in some plain untruths. At this meeting Stevens again said he wished that we could get onto the Air Force and the Navy and the personnel employed directly by the Defense Establishment instead of continuing with the Army hearings.

From Mr. Cohn
1953

December 9,

TO: Senator McCarthy

John Adams said today that following up the idea about investigation the Air Force he had gotten specific information for us about an Air Force base where there were a large number of homosexuals. He said that he would trade us that information if we would tell him what the next Army project was that we would investigate.

To Misters Cohn and Carr
From Senator McCarthy

December 17, 1953

In talking to John Adams today, I learned that General Lawton, who as you recall, cooperated fully with the committee in the exposure of subversives at Fort Monmouth, is about to be relieved of his command. I questioned Adams very closely on this in a friendly manner and find that the only reason that he can give is that Lawton embarrassed the military by helping to make it possible for us to expose the incredibly bad security set up which has existed at Fort Monmouth. Apparently they were particularly incensed about Lawton's statement in executive session that it was impossible to get the necessary cooperation for the clean up until our committee hearings commenced.

I don't know what we can do in this matter. Certainly, we are not in a position to tell the Army who to promote and who to demote. However, if we are to get cooperation from officers in the future we must take some steps to protect those from retribution when they cooperate. This proposed revenge against Lawton is difficult to understand in view of the fact that you will recall Stevens personally called and told him to cooperate fully with us.

If either of you talk to Bob Stevens before I do, I suggest that you bring these facts to his attention in that he may not be aware of this situation.

Memorandum for Frank Carr

To Roy Cohn

CONFIDENTIAL

January 9, 1954

I called John Adams about the question of the insert for the Annual Report re the change of the Army Security Program. Also told him you had been trying to reach him about Dave not being free Sunday to help with the report. He was up in Amherst, Massachusetts, stated that he was snowbound and that he couldn't do a thing about it from Massachusetts. I am sure that he doesn't want to do anything but I told him you would call. I think he will duck you. It is obvious that he doesn't want the part about Army laxity in the report, so don't expect Dave to get off to help.

To Senator McCarthy

January 14, 1954

From: Roy Cohn

John Adams has been in the office again. He said that if we keep on with the hearings on the Army, and particularly if we call in those on the Loyalty Board, who cleared communists, he will fight us in every way he can.

As you know Adams' present assistant, Haskins, was one of those on the Board. His last assistant was eased out after we advised Adams of his record.

Adams said this was the last chance for me to arrange that law partnership in New York which he wanted.

One would think he was kidding, but his persistence on this subject makes it clear he is serious. He said he had turned down a job in industry at \$17,500 and needed a guarantee of \$25,000 from a law firm.

To Senator McCarthy
1954

January 15,

From Francis Carr

Maybe one of these days we should speak to John Adams in a friendly way. I tried. He is baiting Roy pretty much lately on the hostage situation. They got pretty heated before Roy buys the lunch, but it's going to lead to trouble.

Memorandum for File From Frank Carr

March 11, 1954

This is to record that on the afternoon of this date in my presence and that of Roy Cohn, Senator McCarthy advised Assistant Secretary of Defense Fred Seaton that he had heard that a report supposedly prepared by the Department of the Army Counselor John Adams concerning alleged pressure by the committee upon the Department of the Army and Mr. Adams to obtain preferential treatment for Pvt. G. David Schine was to be sent to several Democratic Senators the same afternoon. Senator McCarthy advised Mr. Seaton that the writer was searching files for memoranda dictated concerning Schine. The Senator distinctly stated that he was not suggesting to Mr. Seaton what he could or should do with the report so far as the distribution was concerned, but that he was offering to Mr. Seaton some of the memoranda prepared by the Subcommittee concerning Schine.

The Senator stated that he thought it would be only proper for the Department of Defense to consider these memoranda along with any releases of the Adams report. He again emphasized that he was not attempting to dictate to the Secretary the procedure he was to follow but was offering to make available the memoranda of the staff for his perusal. He was not suggesting to Mr. Seaton what he could or should do with the re.

APPENDIX D

BIBLIOGRAPHY

Books

- Adler, Mortimer J. We Hold These Truths. New York: Collier Books, 1987.
- Bennet, William J. The Index of Leading Cultural Indicators, Volume I. Washington, D.C.: The Heritage Foundation, 1993.
- Builder, Carl. The Masks of War: American Military Styles in Strategy and Analysis. Baltimore: Johns Hopkins University Press, 1989.
- Crocker, Lawrence P. The Officer's Guide, 38th Edition. Harrisburg, Pa.: Stackpole Books, 1975.
- Ewald, William Jr., Who Killed Joe McCarthy?. New York: Simon and Schuster, 1984.
- Findlay, Bruce. Your Rugged Constitution. Stanford, CA: Stanford University Press, 1950.
- Gentry, Curt . J. Edgar Hoover: The Man and the Secrets. New York: W.W. Norton, 1991.
- Griswold, Erwin N. The 5th Amendment Today. Cambridge, Mass: Harvard University Press, 1955.
- Hackett, Lieutenant General Sir John Winthrop. "The Military in the Service of the State," in War, Morality and the Military Profession. Malham W. Wakin, ed. Boulder, Co.: Westview Press, 1986.
- Hamilton, Alexander, James Madison and John Jay, The Federalist Papers. ed. Gary Wills. New York: Bantam Books, 1982.

- Hauser, William L. "The Peacetime Army: Retrospect and Prospect," in The United States Army in Peacetime, ed. Robin Higham and Carol Brandt. Manhattan, KS: Kansas State University Press, 1975.
- von Hoffman, Nicholas. Citizen Cohn. New York: Doubleday, 1988.
- Huntington, Samuel P. The Soldier and the State. New York: Vintage Books, 1957.
- Jamieson, Kathleen Hall. Dirty Politics: Deception, Distraction, and Democracy. New York: Oxford University Press, 1992.
- Kelley, Alfred H. and Winfred A. Harbison. The American Constitution. New York: W.W. Norton, 1955.
- Kennedy, William V. The Military and the Media: Why the Press Cannot be Trusted to Cover a War. Westport, Conn.: Praeger Press, 1993.
- McCarthy, Senator Joseph R. America's Retreat From Victory: The Story of George Catlett Marshall. Boston, Mass: Western Islands Press, 1965.
- Nye, Roger H. The Challenge of Command. Wayne, NJ: Avery Publishing Group, 1986.
- Potter, Charles E. Days of Shame. New York: Coward-McCann, 1965.
- Reeves, Thomas C. The Life and Times of Joe McCarthy. New York: Stein and Day, 1982.
- Shapiro, Martin and Rocco J. Tresolini. American Constitutional Law, 4th Edition. New York: MacMillan Publishing, 1975.
- de Tocqueville, Alexis. Democracy in America. New York, Harper and Row, 1966.

Tuchman, Barbara W. "Human Nature is Responsible", in The American Military: Opposing Viewpoints, ed. David L. Bender. St. Paul, Minn.: Greenhaven Press, 1983.

Wakin, Malham W., ed. War, Morality and the Military Profession. Boulder, Co.:Westview Press, 1986.

Periodicals and Articles

Bivin, Colonel Verne. "Read Your Commission." The Airman (June 1961): 34-35.

Buckingham, Major General Clay T. "Ethics and the Senior Officer." Parameters, Vol. XV, No. 3. (Summer, 1985): 23-32.

Hackett, Lieutenant General Sir John Winthrop. "The Profession of Arms, Part 1: Wellsprings in History." Military Review (October 1963): 34-44.

Maslowski, Peter. "Army Values and American Values." Military Review (April 1990): 10-23.

Morgenthau, Tom and Doug Waller. "The Military's New Image." Newsweek (March 11, 1991): 50-51.

Tice, Jim. "The Young and the Restless." Army Times (4 October 1993) : 12.

Toner, James H. "Teaching Military Ethics." Military Review (May 1993): 33-40.

Ulmer, Major General Walter F. "Notes on Learship for the 1980's." Military Review (July 1980) : 10-12.

West, Diana. "Leaking to Win." Esquire (January 1991): 72-77.

Government Documents

United States Army, FM 100-5 : Operations. Washinton, D.C.: U.S. Government Printing Office, 1993.

U.S. Department of Justice, Bureau of Justice Statistics, "Lifetime Likelihood of Victimization." Washington, D.C.: U.S. Government Printing Office, March 1987.

The Eisenhower Library, Abilene, KS.

Fred A. Seaton Papers. (FAS Eyes Only Series, Boxes 4-7)

Other Sources

Dr. John Fishel, interview by author, Ft. Leavenworth, KS., 10 August, 1993.

LTC Stan Florer, interview by author, Ft. Leavenworth, KS., 15 Aug 1993.